

Copyright
by
Jonathan Daniel Lewallen
2017

**The Dissertation Committee for Jonathan Daniel Lewallen Certifies that this is the
approved version of the following dissertation:**

**You Better Find Something To Do:
Lawmaking and Agenda Setting in a Centralized Congress**

Committee:

Sean M. Theriault, Supervisor

Bryan D. Jones

Christopher Wlezien

Stephen Jessee

Samuel Workman

**You Better Find Something To Do:
Lawmaking and Agenda Setting in a Centralized Congress**

by

Jonathan Daniel Lewallen, B.A.; M.A.

Dissertation

Presented to the Faculty of the Graduate School of
The University of Texas at Austin
in Partial Fulfillment
of the Requirements
for the Degree of

Doctor of Philosophy

**The University of Texas at Austin
May 2017**

Dedication

Dedicated to my wife and my parents for all of their love and support during my time at the University of Texas and throughout my life.

Acknowledgements

A dissertation is written by one person but is the product of many years' worth of conversations with many people. The first conversation that led here was with Sean Theriault and Bryan Jones when I was still considering where to attend graduate school. I wasn't sure at the time where the conversation would lead but I knew that I wanted to work with them. Their advice and guidance over the years has been invaluable, and I greatly hope that our conversations will continue. Stephen Jessee and Sam Workman have been part of conversations about this project at its earliest stages, while Chris Wlezien came in closer to the end. All of them have asked the hard questions I needed to hear and I couldn't have asked for a better committee. I have been lucky to work with an outstanding group of people during my time at the University of Texas at Austin. That group includes Clare Brock, Maraam Dwidar, Rebecca Eissler, E.J. Fagan, David Leal, Zac McGee, Megan Moeller, Scott Moser, Annelise Russell, Bat Sparrow, JoBeth Surface Shafran, Dan Sternemann, Trey Thomas, Michelle Whyman, and Michelle Wolfe. I also would like to thank other scholars who have offered their comments, advice, and wisdom on this project: Scott Adler, John Baughman, Frank Baumgartner, Jim Curry, Linda Fowler, Christoffer Green-Pedersen, Frances Lee, Nathan Monroe, Peter Mortensen, Jason Roberts, John Wilkerson, and Susan Webb Yackee.

**You Better Find Something To Do:
Lawmaking and Agenda Setting in a Centralized Congress**

Jonathan Daniel Lewallen, PhD.

The University of Texas at Austin, 2017

Supervisor: Sean M. Theriault

The U.S. Congress has significantly curtailed its lawmaking activities in recent years, and many commentators, scholars, and legislators themselves point to a decline in the institution's output. Two trends blur this focus. First, the number of substantive (non-commemorative) laws enacted by Congress did not significantly decline until very recently. Second, that the roots of this decline have been growing for several decades, in the committee system. Data from 1981 to 2012 show that congressional committees have significantly shifted their activity towards oversight and other non-legislative policymaking at the expense of advancing legislation. Congressional committees act as Congress's agenda setting capacity by determining what issues the institution can and will address and how it does so. Any explanation for a decline in congressional lawmaking, therefore, must begin with committees. I develop a theory of committee policymaking in this dissertation based on the limited agenda space decisionmakers face. Making policy through legislative or non-legislative means involves opportunity costs, and committees face uncertainty about whether their legislative work will bear fruit. With this theory as a guide, I test three explanations for the longitudinal shift in committee activity away from legislation. While current and former members of Congress, commentators, and other observers blame political gridlock and an expanding executive branch, I find that changes

made to the legislative process itself have altered the incentives for committees to compete for agenda space and make policy through legislation. Members of both parties have centralized agenda setting responsibilities under party leaders over the last three decades, which has altered the contours and availability of legislative authority. My findings have important implications for Congress's role in the policy process and how scholars and citizens evaluate the institution, including the importance of committee incentives and capacity for congressional agenda setting.

Table of Contents

List of Tables	x
List of Figures	xi
Chapter 1: Introduction	1
“Productivity,” Public Laws, and Committees	2
Plan of the Dissertation	14
Chapter 2: Committees and Congress in the Policy Process	16
Committee Goals and How to Achieve Them	17
Call On Me: Committee Competition for Agenda Space and Authority	21
Testing Explanations for a Decline in Legislating	33
Chapter 3: Partisanship and Committee Activity	36
Pure Partisanship: Divided Government	39
Polarization	44
Partisan Cartels	49
Gridlock	53
Whither partisanship?	57
Chapter 4: Centralization in Congress and Shifts in Legislative Authority	60
Legislative Authority in Congress and Centralization	60
Shifts in Legislative Authority: A Tale of Two Chambers	64
Conclusion	78
Chapter 5: Demand for Committee Oversight	81
Growth in Government	83
CRs, Bureaucratic Uncertainty, and Committee Competition	85
Data and Analysis	89
Can Congress Meet the Demand for Oversight?	94
Chapter 6: Conclusion	96
Committees as Congress’s Agenda Setting Capacity	97
What’s Happening Now?	99

Implications for Congress as Policymaking Body	102
Implications for How Citizens Think About Congress.....	105
Implications for How Scholars and Commentators Think About Congress	107
Appendix.....	110
Which Dependent Variable? Counts vs. Proportions	110
More About Beta Regression.....	112
Time Series Cross Section Models	114
Accounting for Committee Heterogeneity.....	114
Accounting for Time.....	116
Alternate Modeling Approaches	119
Counts as Dependent Variables (Negative Binomial Regression Models)	
.....	119
Lagged Dependent Variable Included (D.V. is Proportion)	126
References.....	133

List of Tables

Table 3-1. Testing a Purely Partisan Explanation for Committee Policymaking ..	45
Table 3-2. Polarization and Committee Policymaking	48
Table 3-3. Party Cartels and Committee Policymaking.....	52
Table 3-4. Gridlock Intervals and Committee Policymaking	58
Table 4-1. Changes to Legislative Authority and Congressional Committee Policymaking	79
Table 5-1. Growth in Government and Demand for Committee Oversight	91
Table A-1. Pure Partisanship	119
Table A-2. Polarization.....	120
Table A-3. Party Cartels	121
Table A-4. Gridlock	122
Table A-5. Legislative Authority	123
Table A-6. Growth in Government.....	124
Table A-7. Pure Partisanship	126
Table A-8. Polarization.....	127
Table A-9. Party Cartels	128
Table A-10. Gridlock	129
Table A-11. Legislative Authority	130
Table A-12. Growth in Government.....	131

List of Figures

Figure 1-1. Laws Enacted by the U.S. Congress, 1981-2014	4
Figure 1-2. Committee Hearing Trends, 1981-2012.....	11
Figure 1-3. Bills Reported Out of Committee, 1981-2012.	13
Figure 2-1. Committee Referral Hearing Ratio Averages, 1981-2012	26
Figure 2-2. Committee Legislative Activity Trends, 1981-2012.....	27
Figure 2-3. House Committee Legislative Hearing Trends, 1981-2012.....	29
Figure 2-4. Senate Committee Legislative Hearing Trends, 1981-2010	30
Figure 2-5. House Committee Bills Reported Trends, 1981-2012	31
Figure 2-6. Senate Committee Bills Reported Trends, 1981-2012.....	32
Figure 3-1. Increase in Unified Partisan Control of the U.S. Government.....	41
Figure 3-2. Trends in Congressional Party Polarization, 1981-2012.....	46
Figure 3-3. Trends in Majority Party Cartels, 1981-2012	51
Figure 3-4. Trends in Gridlock Intervals, 1981-2012	56
Figure 4-1. Multiple Referrals in the House of Representatives	67
Figure 4-2. Senate Cloture Motions And Majority Party Leader Involvement	74
Figure 4-3. Effects of Switch to “Primary Referral” System on Committee Hearings	77
Figure 5-1. Growth in Federal Executive Branch Size and Scope	84
Figure 5-2. Number of Days Spent Under Stopgap Budgeting	88
Figure 5-3. Effect of Increase in Federal Spending on Senate Markups	93

Chapter 1: Introduction

The U.S. Congress has struggled in recent years to enact laws at the same rate it once did, often coming under criticism for its lack of legislative productivity. Legislators, journalists, and other observers have bestowed the title “do-nothing Congress” to the last three congressional terms, while D.C. newspaper *The Hill* has called the most recent congress “historically unproductive” (Marcos and Cox 2014). Looking beyond even counts of enacted laws, evidence of congressional struggles to complete even previously-noncontroversial legislative work abounds, from the obvious (a 2012 government shutdown) to the relatively obscure (reauthorizing the Export-Import Bank).

Calling a Congress “unproductive” because it enacts relatively fewer laws discounts many of the institution's responsibilities and activities; one cannot confine a legislature's role exclusively to lawmaking (Jewell and Patterson 1966). Congress also takes responsibility for overseeing executive branch actions, and much of the institution's work today is non-legislative. This chapter considers the recent sentiment that congressional lawmaking has declined and finds little evidence for a decrease in the number of substantive laws enacted over the last several decades. Instead, committees have shifted their activity towards oversight and other forms of non-legislative policymaking. Rather than a completely unproductive Congress across its range of possible activities, instead we have seen a shift in how the institution devotes its resources. This change is particularly felt among committees, which are marking up and reporting fewer bills and

devoting more of their hearing activity to oversight. Explaining a decline in congressional lawmaking requires explaining changes to committee policymaking over the past 35 years.

“PRODUCTIVITY,” PUBLIC LAWS, AND COMMITTEES

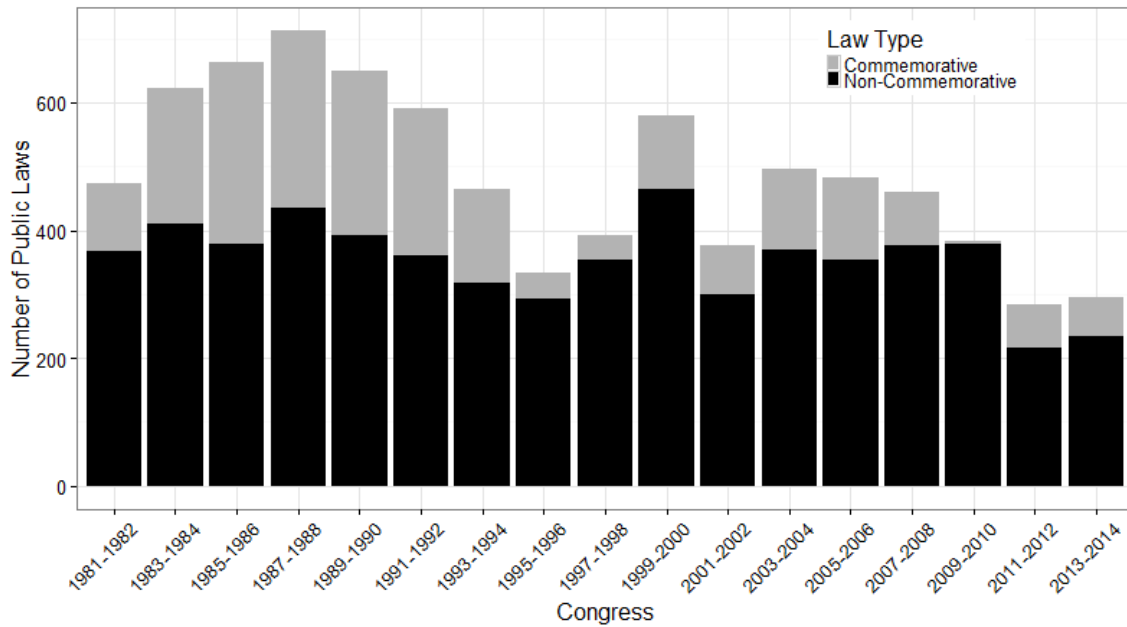
Do-nothing Congress. Unproductive. Gridlock. Logjam. Congress punts. All of these phrases should be familiar to even casual observers of American politics in recent years. The U.S. Congress has faced myriad criticism from both current and former members, journalists and commentators, political scientists, and citizens for its seeming inability to come together as an institution and enact laws that solve the nation's public problems. Senator Chris Murphy (D-Conn.) represents the prevailing sentiment when he says, “This place has to start working again...I'm sick and tired of going home and explaining why we're not passing anything” (Marcos and Cox 2014).

Practitioners and academics alike use terms like “productivity” and “accomplishment” to characterize Congress's output based on how many laws it enacts (Clinton and Lapinski 2006; Eldridge 2014). A more productive Congress, as Murphy and other critics would have it, is one that enacts more laws. Congress is enacting fewer laws today than it once did, so the argument goes, Congress is therefore unproductive. We have a few reasons to doubt the connection between congressional “productivity” and a count of enacted laws. First, not every problem requires legislative action to solve it. Second, each law enacted may contain dozens of individual provisions that each “accomplish” something. The combined continuing resolution-omnibus appropriations law enacted at the end of the 113th Congress, for example, addressed financial regulations, federal election

campaign contribution limits, school lunches, military benefits, immigration, and a NASA mission to Jupiter, among other provisions (Eldridge 2014).

We have yet another reason to doubt claims that Congress has become “unproductive” because it is enacting fewer laws, one that illustrates the need for a broader view of the legislative process and congressional policymaking. Prior studies of lawmaking have relied on different measures to tell their stories, with a common focus on “major” or “important” laws but disagreement as to which laws qualify (Binder 2003; Clinton and Lapinski 2006; Howell, et al. 2000; Mayhew 1991). Despite the disagreement over which laws are more important, we should at least be able to agree on which laws are relatively less important—commemorative laws, for example, that rename federal buildings or designate July as National Ice Cream Month. These data belie the notion that Congress today is enacting only “post office bills.” In fact, Congress is enacting almost anything else. Former House Speaker John Boehner (R-Ohio) pushed back against complaints of a do-nothing Congress on his watch, saying that “We made clear when we took over that we weren't going to be doing commemorative legislation on the floor” (Fuller 2013). Not only did Boehner follow through on his claim, but in doing so he followed many of his predecessors. The overall decrease in enacted laws seen since the 1980s is due almost entirely to a decrease in commemorative legislation (see Figure 1-1). By at least one measure, Congress is no less productive or accomplished today than it was 30 years ago.

Figure 1-1. Laws Enacted by the U.S. Congress, 1981-2014



Source: Policy Agendas Project, calculated by the author. These data end at the 113th Congress, the last congress for which the Policy Agendas Project has complete data.

Accusations of an unproductive Congress based on enacted laws may be misguided, but clearly something about congressional lawmaking has changed. Recent years have been replete with examples of breakdowns in the authorizations process, the loss of the “regular order” in appropriations, and federal agencies struggling to fulfill their duties in the face of congressional inaction. In order to better understand the *why*, we first need a better handle on the *what*. I argue that in order to understand changes to congressional lawmaking, we need to look to the committee system. I make this argument for two reasons. First, the legislative process encompasses more than its endpoint.¹ Lawmaking studies tend to focus

¹ Or to anticipate my subsequent discussion, just one of its possible endpoints.

on the final two or three steps and leave out committees, even though the latter are traditionally considered “Congress at work” (Wilson [1885] 1956). Committees largely remain “Congress at work” even as party leaders have taken a larger policymaking role.

The second reason for focusing on committees to explain changes to congressional lawmaking follows from the first: lawmaking requires agenda setting, and Congress's agenda setting capacity lies within its committee system. For political institutions like the U.S. Congress, translating inputs into outputs requires transforming individual decisions into collective decisions (B. Jones 2001). The committee system plays a large role in doing so due to its function as a specialized division of labor.²

“In all institutions,” Sinclair (1981, 397) writes, “information is a vital precondition to influence.” James Madison and his co-authors recognized information's importance to

² The agenda setting process is, at least in part, “the decision about which decision to consider” (Bauer, et al. 1963, 405). Research on agenda setting tends to fall within one of two traditions: one based in formal theory that focuses on voting agendas, and one based in the policy process that focuses on issue agendas. Each tradition is rooted in the same basic question: how do decision-makers come to pay attention to some things (such as policy issues or voting alternatives) and not others, and what are the consequences of this attention—and the ability to shape such attention—on decisions and ultimately outputs.

The policy process approach to agenda setting looks at issue agendas: the set of subjects to which different actors (the public, a group of elites, an institution) are paying attention (Cobb and Elder 1983; Cobb, et al. 1977; Light 1991; Walker 1977). Agenda setters in this conception work to define the parameters of debate by defining what constitutes a problem the government should (or should not) address. The positive political theory approach studies how different voting rules and institutional arrangements produce certain outcomes, specifically either shifts away from or reinforcements to the status quo policy. Agendas in this context represent a choice or sequence of choices presented to some group of voters, which in turn influence how those voters decide. Many legislative scholars working in this tradition focus on restrictive debate rules and agreements as incentives for committees to engage in different types of behavior (Cox 2000; Gilligan and Krehbiel 1990; Levine and Plott 1977; Romer and Rosenthal 1978).

This dissertation represents an attempt to bridge the two research traditions of agenda setting. A decision about which proposal to take up (the voting agenda) also decides which issue to pay attention to (the policy agenda). In advancing (or not advancing) legislation, committees engage in both types of agenda setting at the same time. They define not only the universe of potential solutions the legislature might adopt but also the universe of policy problems to which the legislature as a whole might pay attention. Lengthier discussions on this point can be found in this chapter and in chapter 2.

congressional activity in the *Federalist*. Arguing against annual House elections in *Federalist* 53, Publius (Madison) writes, “no man can be a competent legislator who does not add to an upright intention and a sound judgment a certain degree of knowledge of the subject on which he is to legislate.” Regarding commerce, taxation, and military affairs, Madison continues,

These are the principal objects of federal legislation and suggest most forcibly the extensive information which the representatives ought to require. The other inferior objects will require a proportional degree of information with regard to them. (Publius [1788] 1987, 328-9).

The Senate, as Madison writes in *Federalist* 72 and 73, provides a “due acquaintance with the objects and principles of legislation” and sustained attention to complex policies that might require more than the House’s two-year window to address (Publius [1788] 1987, 366). Lawmaking requires information, and the two chambers of Congress were designed to allow legislators to learn about policy—to gather information—in ways that supplement the knowledge they receive or bring with them from their districts.

Members of Congress find themselves awash in information of largely two different types: policy and political information (Kingdon 1984). “Policy” information refers to that which legislators might receive about what is or is not a problem in need of addressing, the likely outcome of a particular policy proposal (including its costs and benefits and their timing) or any other technical detail. Policy information primarily is used to develop legislation, decide how to vote on a particular proposal, persuade other actors to one’s position or provide a *post hoc* justification for a policy decision. Even if technical

information does not directly inform policy decisions, it often influences policymakers' vocabularies and modes of thinking (Wu 2008).

“Political” information includes the location and intensity of other actors' policy preferences, the relative values placed on party labels and on executive branch funding requests, a member or group's beliefs about their appropriate organizational role and cues about who legislators should turn to for voting recommendations. Political information often acts as signals between political actors and assists in making voting decisions (Austen-Smith and Riker 1987; Kingdon 1973; Krehbiel 1991; Rich 2004). As an example, policy or substantive information would include what hydraulic fracture drilling (“fracking”) entails on a technical level while political information on that same issue would encompass which colleagues face constituent pressure to support or oppose the process.

Just as devoting attention to an issue carries information about what an actor thinks the government should pay attention to, an institution's voting agenda carries with it information about the proposers' preferences (Austen-Smith and Riker 1987; Cox 2001; Romer and Rosenthal 1978). As an agenda setter determines which proposal is matched up against the status quo or the sequence of amendments to be considered, she thus directs voters' attention towards, and away from, different information. Floor action on omnibus agriculture legislation (the “farm bill”) in 2012 illustrates this dynamic in action. The bill was repeatedly delayed on the House floor that year even though Congress had routinely enacted previous iterations by wide voting margins. The Senate passed its version in June 2012, followed soon thereafter by House Agriculture Committee approval, but House

committee member Tim Huelskamp (R-Kan.) raised objections to the bill's nutrition assistance program funding authorization. Republican leaders repeatedly delayed floor action to avoid potential conservative amendments that would force their caucus to cast tough votes on nutrition assistance program funding. Not only would those amendments have carried information about their sponsors' policy preferences, they would have directed the House's attention to a different issue or policy dimension as well.

From an information processing perspective, an organization's division of labor helps break down the number of decisions that must be made into smaller components and filters the decisions that require higher levels of attention (Simon 1976). The committee system can simultaneously process multiple flows of information about problems and solutions at once and adapt to changes in those information flows, which expands Congress's plenary agenda (Adler and Wilkerson 2012; Cooper 1970; Jones and Baumgartner 2005; Kingdon 1984; McConachie 1898). Committees act as Congress's agenda setting capacity for both problems (what issues the institution should address) and solutions (how it should address those problems). They do so by processing and prioritizing the different substantive and political information vying for congressional attention. The term "information processing" is used throughout the study of organizations to refer to the means by which organizations acquire, synthesize, distribute, and use information (Cyert and March 1963; Egelhoff 1991; Huber 1991; Ottati and Wyer 1990; Tushman and Nadler 1978). It is the organizational analogue to individual information processing which is itself, as Simon and Newell (1964) characterize it, transforming inputs to outputs.

Committees today have two primary means of setting the congressional agenda—that is, of processing and prioritizing information. They can pursue legislation and hold oversight hearings (or engage in similar forms of non-legislative policymaking). Much of Congress's work is expected to be legislative (Galloway 1953); as Woodrow Wilson put it in *Congressional Government* ([1885] 1956, 193), “Congress always makes what haste it can to legislate... Be the matters small or great, frivolous or grave, which busy it, its aim is to have laws always a-making.” Congress's role over time grew to encompass oversight of a growing executive branch, and so we can't fully characterize the legislature's task exclusively in lawmaking terms (Jewell and Patterson 1966). In fact, data on legislative activity across committees reveal shifts in policymaking that cast further doubt on the idea of a totally unproductive contemporary institution. If we want to understand the decline in congressional legislating over the past several decades, we thus need to understand it as a shift among committees away from legislative activity rather than a falloff in enacted laws.

I examine two types of legislative activity: holding referral hearings and marking up bills. The former occur when a bill is introduced and referred to a committee, and are important signals of a committee's intentions about whether it will work to advance the bill. They are opportunities to educate members about a proposal and begin to build a supporting coalition (Galloway 1953; Jewell and Patterson 1966; Rieselbach 1973). In short, referral hearings “lay an intellectual and political foundation for legislation” (Kaiser 2013, 27).

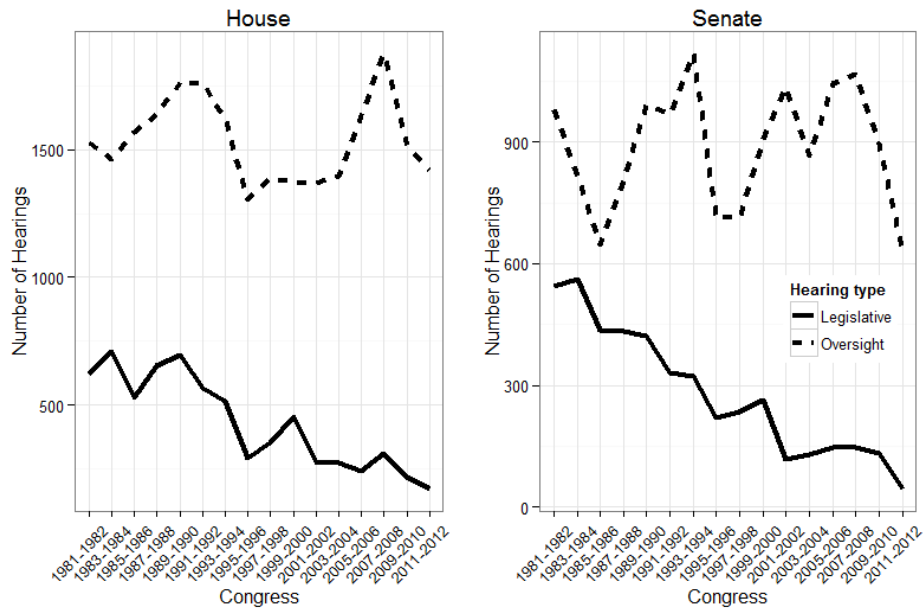
The second type of legislative activity, marking up and reporting bills out of committee, is where committees decide whether to amend a bill or send it to the floor as

is. Markups allow committee members to offer amendments and soften up the agenda for future action. Committees take in information through bill referrals and congressional hearings, and the legislation they approve and send to the House floor represents information about the relationship between policy proposals and likely outcomes (Krehbiel 1991). Markups, where committee members vote on whether to amend a bill and approve it for further consideration, are thus where committees apply the information they have learned and construct their legislative outputs, where they become “Congress at work” (Wilson [1885] 1956). As Senator Bob Corker (R-Tenn.) put it, “a committee markup actually causes members to understand what's in a bill” (Kaiser 2013, 262-3).

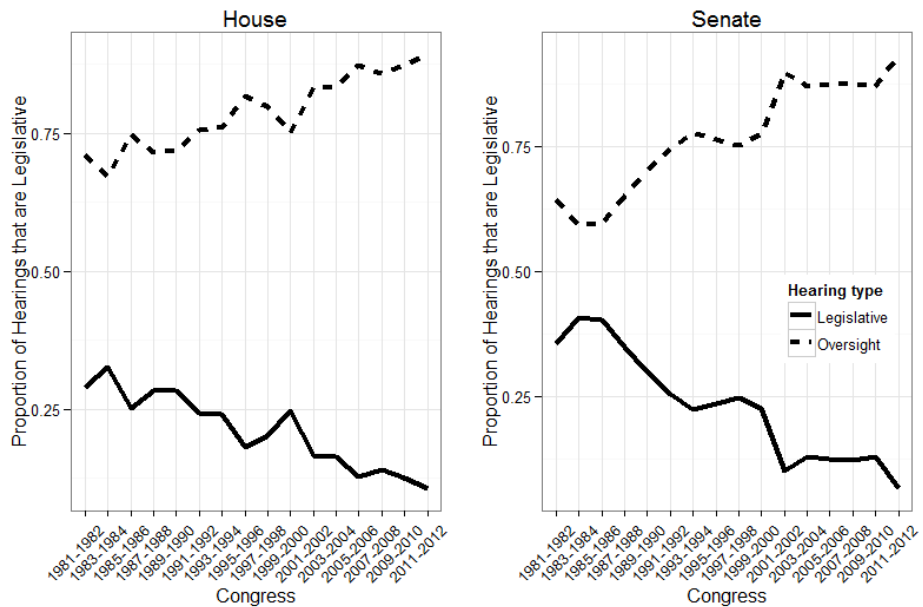
When we look at committee hearing activity, we see that the number of legislative hearings has declined precipitously while the number of oversight (or non-legislative) hearings has held relatively steady. When committees are holding hearings, then, those hearings are less likely to be legislative today than they were 35 years ago (see Figure 1-2). Committees in both chambers devoted about three out of every ten hearings on average to learning about and building support for referred bills throughout the 1980s up until about the 102nd Congress (1991-1992), though we see legislative hearings begin to trend downward even earlier in the House during the 99th Congress (1985-1986). More recently we see that House committees on average have held just over one out of every ten hearings on average on referred bills since the 109th Congress (2005-2006), and Senate committees have devoted an even lower proportion of legislative hearings. (see Figure 1-2, panel B).

Figure 1-2. Committee Hearing Trends, 1981-2012

Panel A: Counts by Type



Panel B: Proportions by Type

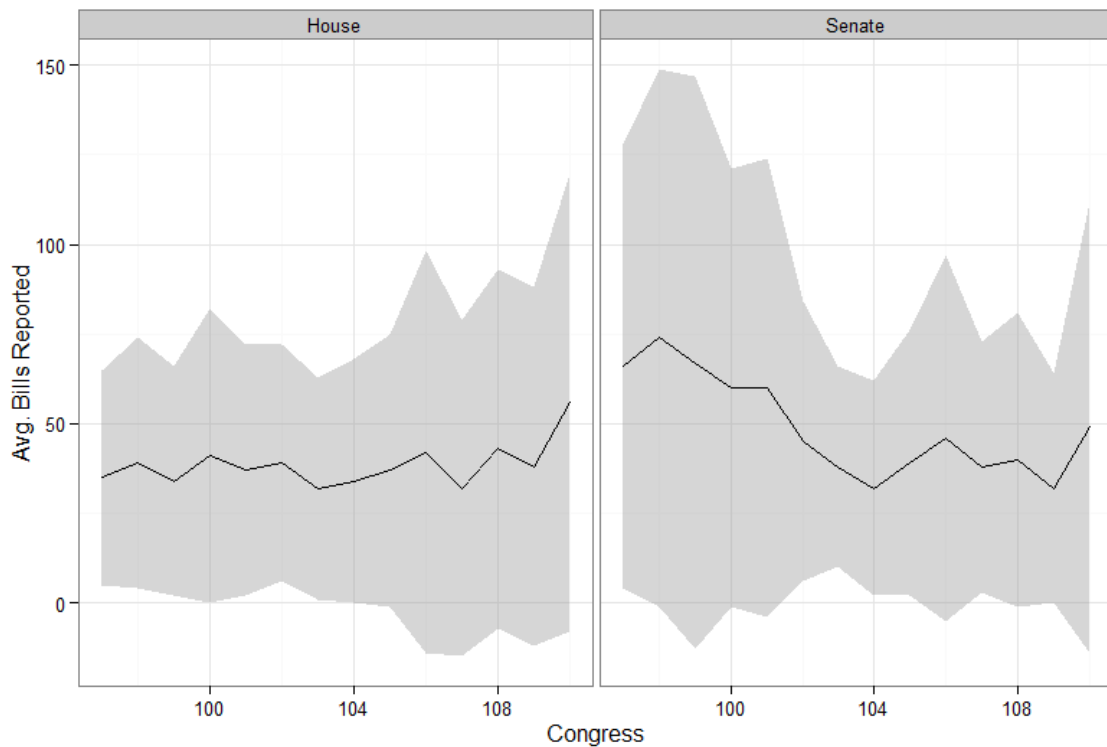


Source: Policy Agendas Project Congressional Hearings dataset, which did not include hearings from the 112th Congress as of this writing; calculated by the author.

The markup data echo the hearings data, but also highlight an interesting difference between the chambers: Senate committees, on average, mark up and report out a much higher proportion of referred bills than do their House counterparts (see Figure 1-3). No doubt this difference is due in large part to the lower number of bills introduced in the upper chamber, but it also challenges our understanding that legislative action is more “peripheral” to Senate life (Polsby 1971). The drop in average markup activity also has been more dramatic in the upper chamber than in the House. Senate committees marked up and reported out about one out of every three referred bills on average in the early 1980s, while that number has dropped to about two markups for every 10 referred bills on average in the early 2000s and one markup for every ten bills in the 112th Congress (2011-2). House committees, for their part, are marking up and reporting out referred bills today at about half the rate they did in the 1980s: just over one marked-up bill for every 10 referred bills in the 97th and 98th Congresses (1981-4), and just over one marked-up bill for every 20 referred bills in the 111th and 112th Congresses (2009-12), on average.

Taken together, data on committee activity from 1981 to 2012 reinforce the notion that Congress as an institution largely has shifted its focus away from legislating and toward other activities. Congressional committees are holding relatively fewer legislative referral hearings in favor of conducting oversight over the past several decades. While the data in Figure 1-3 do not necessarily show the same kind of explicit shift from legislative to non-legislative activity, they present clear evidence that committee legislative activity has, on the whole, declined since 1981.

Figure 1-3. Bills Reported Out of Committee, 1981-2012.



Source: THOMAS, calculated by the author.

The hearings and markup trends both stand in contrast to Figure 1-1, where a decline in substantive, non-commemorative lawmaking was harder to discern until very recently. Furthermore, the decline in committee legislating precedes any decline in substantive lawmaking output by decades. To the extent that we would like to understand a recent decline in congressional legislative activity, we really need to understand why committees have shifted their activity towards non-legislative policymaking.

PLAN OF THE DISSERTATION

In this dissertation I develop a theory of how committees decide how to make policy—through legislation or oversight—to explain the shift in committee activity we have seen over the past 35 years. Committees are meso-level organizations within Congress, and as such they have two main goals: helping their individual members achieve their goals (whatever those might be) and gaining or retaining policymaking authority. This authority allows committees to decide for themselves which issues to address and how to address them. Making policy through either legislation or oversight incurs opportunity costs; time, attention, and other resources that cannot simultaneously be devoted to other activities. In order to offset these opportunity costs, committees pursue whichever policymaking activities will contribute to their authority and thus their goals.

I find that legislating has become a less attractive prospect for committees over time. The main source of this decline is the centralization of different agenda setting procedures under party leaders in both the House and Senate, which in turn alter the contours and availability of legislative authority for committees. Additionally, the executive branch has grown in size and scope since World War II, which ensures a steady demand for congressional attention to agency activity. As legislative authority has shifted towards party leaders and agencies seek answers for how to set priorities among their many programs, committees are finding it more fruitful—or at least more likely to offset their opportunity costs—to use their hearings to define issues and compete for bureaucratic attention. I further find that one culprit often named by members of Congress and commentators, partisanship, has not played a direct role in the decline of committee

legislating. Rather, as the parties have become stronger and more cohesive, the party leaders have been given more tools to structure the agenda, which in turn has altered committee decisions about how to make policy.

The rest of the dissertation proceeds as follows. Chapter 2 introduces the two committee goals and the uncertainty and opportunity cost concepts and lays out the conditions under which we should expect committees to legislate and when we should expect to see more oversight. Chapter 3 examines whether chamber-level partisanship contributes to committee uncertainty about gaining legislative authority, and finds little support for partisanship and gridlock directly contributing to the decline of committee lawmaking. Chapter 4, by contrast, finds that committees are spending more time on oversight as they are less likely to see gains from legislating, particularly as a centralized agenda setting process has shifted authority towards party leaders. Chapter 5 considers the expansion of executive branch policymaking, and finds that increased committee oversight has resulted not only from a more active bureaucracy but also from congressional action itself as the institution has provided agencies with fewer directions over budgeting and spending. Chapter 6 concludes with a discussion of the dissertation's findings and their implications for Congress's role within the U.S. policy process, for how political scientists study Congress and its agenda, and for how citizens evaluate the legislative branch.

Chapter 2: Committees and Congress in the Policy Process

The U.S. Congress plays a fundamental agenda-setting role within the U.S. political system: processing and prioritizing information for government action. As a representative body, members try to reflect public concerns and address issues that their local and national constituents find important while also maintaining critical government functions. Congress and its committees act as policy venues for interest groups, and the other branches of government often look to the legislature for guidance, agreement, or simply for attention. By its structure and operations, Congress can determine what issues both it and other governmental actors pay attention to and how they address those issues.

In the previous chapter I showed that a decline in congressional lawmaking has not really happened on the chamber floor but rather in the committee room. Committees are “Congress at work,” and increasingly the work being done is prioritizing policy problems and overseeing executive branch activity. The shift towards oversight has important implications for Congress as a policymaking institution, its relationships to other branches of government, and representation. This dissertation tests several explanations for the shift in committee policymaking away from legislating. Before doing so, we need to better understand Congress’s role in the policy process and how committees help Congress fulfill that role.

This chapter proceeds as follows. The first section introduces two important committee goals in making policy: helping individual members and policymaking authority. The second section describes how attention and agenda space are limited, which creates opportunity costs for committees and competition for policymaking authority, and

discusses how this competition influences committee decisions between legislation and oversight. Whereas the previous chapter showed aggregate trends in committee policymaking, in this section I present individual committee-level data on legislative activity from 1981 to 2012. The final section concludes with several potential explanations for shifts in committee competition and policymaking to be tested in the ensuing chapters.

COMMITTEE GOALS AND HOW TO ACHIEVE THEM

The Senate Homeland Security and Governmental Affairs Committee pursued a classic “softening up” strategy in the 111th and 112th Congresses as it worked toward a legislative response to the issue of vulnerable online data and infrastructure; a 2010 hearing helped define the problem and featured testimony supportive of the committee leaders' approach to the issue, while a hearing two years later saw members of Congress, current and former Homeland Security secretaries, and representatives from think tanks and corporations offer their opinions on the latest iteration of the committee's bill (U.S. Congress 2010; 2012). The committee was unsuccessful in seeing its bill pass the Senate,³ and so the committee took a different approach the following congress. Homeland Security and Governmental Affairs held two hearings on cybersecurity in the 113th Congress, both of which aimed at “strengthening” (really directing) public-private partnerships between Homeland Security, Commerce, and other executive branch agencies and internet security firms to address the issue absent the force of law (U.S. Congress 2013; 2014).⁴

³ The bill made it to the floor in July 2012, but cloture was not invoked by a 51-46 vote and the bill died at the congress's end.

⁴ President Obama issued an executive order on cybersecurity in February 2013, which required the National Institute of Standards and Technology director to establish a baseline framework for reducing risks to infrastructure, and the hearings addressed this executive order in part. The committee still had the

The Senate Government Affairs Committee's story is not unique. As we saw in chapter 1, committees throughout Congress have shifted much of their activity over the last 35 years away from legislation and towards oversight and other non-legislative enterprises. Fiorina (1986) argues that choosing between administrative and judicially-enforced regulation entails choosing between less certain and more certain oversight methods. Fiorina's argument can be extended to a committee's decision to pursue legislation or oversight: a less-certain versus more-certain means of making policy. To understand why, the rest of this chapter discusses how the two forms of policymaking help committees achieve their goals, which means we also must briefly discuss what those goals entail.

Committees are, of course, made up of individuals each with her own goals and motivations for taking various action within a legislature, goals which include winning re-election for herself and majority party status for her party, making “good” (or preventing “bad”) policy, and advancing her political career beyond the role in which she serves either by advancing internally or moving on to some other institution (Fenno 1973; Mayhew 1974; Rohde 1979; Rohde and Aldrich 2010). Richard Fenno's (1973) pathbreaking analysis helped identify committees whose members predominantly held one of these goals, and congressional scholars often speak of “power committees” or “re-election committees” as a shorthand to help identify and predict differences in committee action (Sinclair 1986; Smith and Deering 1990). Yet Fenno (1973, 79) also finds that, “no two committees, it appears, will produce the same set of guiding premises” due to the complex

option of pursuing legislation to codify or modify the president's action, but did not do so (the committee's previous bills, for example, placed coordinating authority under the Homeland Security Department).

relationship between committee members' different motivations, the committees' environmental constraints, and their standardized procedural responses to same. Fenno's work echoes that of Herbert Simon (1964, 20), who argues that for organizations:

It is doubtful whether decisions are generally directed toward achieving *a* goal. It is easier, and clearer, to view decisions as being concerned with discovering courses of action that satisfy a whole set of constraints. (Emphasis in original.)

Speaking of an “organizational goal” tends to refer to constraints on that organization's role, particularly that of its leaders (Simon 1964). With this distinction in mind I identify two key committee goals as they act as Congress's agenda-setting capacity that are necessary to understand the shift away from legislative activity seen in figure 1-2.

The first relevant “organizational goal” that a committee holds is to *help its individual members achieve their goals, whatever those may be*. For our purposes here, it matters little whether committee members are primarily interested in winning re-election, making “good” policy, gaining institutional influence, or something else entirely. Both legislative and non-legislative activity can help members achieve their different goals, though they do so in different ways as will be discussed shortly.

Whatever goals a committee member might pursue, the second relevant committee goal is *decision-making authority*. Authority within an organization is the right to choose actions that affect that organization in whole or in part (Simon 1951). A committee's decision-making authority refers to its ability to make policy decisions for itself. This second goal reinforces the first: a committee needs some degree of decision-making authority in order to provide its individual members with opportunities to pursue their own

ends. Positing authority as a goal does not imply that committees value agenda space equally, nor even that they always want the issues they represent to reach Congress's formal agenda; strategic inaction can be just as important as action in committee competition for issue jurisdiction (King 1997). Decision-making authority refers to a committee's ability to make that determination—to decide between action and inaction, and among different types of action—within the chamber in which it operates.

I also distinguish committee decision-making authority from autonomy and influence, which Fenno (1973) identifies as important committee motivations. For Fenno and others, committee autonomy is the ability to have a greater independent influence on policy decisions relative to other groups, particularly the executive branch, while influence is a committee's ability to have its decisions supported on the floor. I assume the less-restrictive goal of authority over autonomy because a lack of independence does not necessarily hinder a committee's ability to satisfy its individual members' goals. Committees set up oversight “fire alarms” precisely so they can more efficiently allocate their attention and other resources (McCubbins and Schwartz 1984). Committee members still may help constituents and make policy even if the committee begins paying attention to an issue based on a “pulled” fire alarm from interest groups or the bureaucracy, rather than decide to pay attention to that issue independently. I also assume that committees desire authority rather than the more-restrictive “influence” for reasons that I hope will soon become clear. With the two committee goals in mind, helping their individual members and decision-making authority, I now turn to how they influence committee competition for information and agenda space.

CALL ON ME: COMMITTEE COMPETITION FOR AGENDA SPACE AND AUTHORITY

All organizations, like Congress, face limits on their available attention (Workman, et al. 2009). Committees thus must compete with each other for that attention—that is, for agenda space. Just as agenda setting—processing and prioritizing information for action—has both a problem and a solution dimension, so too might committees compete for information and agenda space over issues and proposals. Committees have two primary means of prioritizing information: holding hearings and pursuing legislation. As we will see, one reinforces the other, such that the prospect of specifically *legislative* authority often drives committee competition.

Committees compete with one another in several ways when holding hearings. First, committees engage in “turf wars” as they attempt to gather information and define problems in such a way that enhances their decision-making authority (King 1997; Baumgartner and Jones 1993). For issues already under a committee's jurisdiction, non-legislative hearings keep policy within a given subsystem network of committee, interest groups, agencies, and other relevant actors. Subsystems represent stability and once established, they restrict participation from other actors, which in turn helps a committee retain its decision-making authority (Baumgartner and Jones 1991; Bawn 1997; Worsham 2006). Second, non-legislative hearings may help a committee expand its decision-making authority by identifying new policy problems and redefining old issues that may exist in other committees' jurisdictions (Baumgartner and Jones 1993; King 1994; Talbert, et al. 1995). Finally, oversight hearings create competition among committees to define and direct bureaucratic attention towards different problems and solutions and for the

information and expertise that bureaucrats provide (Aberbach 1990; Foreman 1988; McCubbins and Schwartz 1985; May, et al. 2008).

Legislative action creates competition among committees because doing so elevates an issue out of subsystem politics and potentially mobilizes additional interests, and because the chamber floor is organized precisely to winnow the number of demands on congressional time and attention (C. Jones 1982; Krutz 2005). Committees face several complications when competing with one another for scarce floor space; floor action is not assured once the bill is reported out. As Adler and Wilkerson (2012) show in constructing their problem-solving model, the chamber's dominant strategy is to not allocate floor time for a committee's bill. In addition to the limited agenda space available for proposals, ideological or partisan rifts within a chamber may keep a bill from being scheduled. Non-legislative action allows committees to better retain and expand their decision-making authority but provides mostly minimal, short-term gains, while legislation potentially countermobilizes new interests against committee authority and creates more uncertainty for committees as they directly compete with one another for legislative authority with limits on available floor space for their bills.

The decision to pursue policy through legislation or oversight is critical because doing so—in either case—imposes opportunity costs on committees (Bawn 1997). Wildavsky (1979, 160) notes that, “any decision involving the use of resources has a cost – the ability to use those resources in another capacity.” Devoting time, attention, and other resources to legislation removes the ability to put those resources towards oversight, and vice versa (Bawn 1997; Jones and Baumgartner 2005). So, too, does devoting time and

attention to one issue or small set of issues prevent other issues from being considered (B. Jones 2001; Walker 1977). Committees thus must balance trying to lock in policy authority through legislative effort with the uncertainty of whether a bill will be taken up on the floor and the opportunity costs of foregoing more certain, but more limited, non-legislative action. As they balance their legislative and non-legislative work, committees must anticipate both other panels' decisions about how they make policy and the party leaders' decisions about what the larger institution will prioritize.

Non-legislative action benefits committees in several ways. First, members can devote attention to issues that help advance their own personal mix of goals. Oversight hearings allow a committee and its members to respond to pressing or otherwise salient problems and claim credit for having done so (McCubbins and Schwartz 1984). Even as a freshman, former senator Arlen Specter (R-Pa.), acting through the Judiciary Committee, was able to hold repeated non-legislative hearings to direct bureaucrats' attention to his preferred issues (Fenno 1991). Interacting with bureaucrats allows expertise to filter up through the policy process and help members of Congress learn about policy consequences and become recognized as influential experts in their own right (Adler and Wilkerson 2008; Baron 2000; Elmore 1979; Gilligan and Krehbiel 1990; May, et al 2008).

Non-legislative action also contributes to committee decision-making authority. Making policy through non-legislative action keeps policy within a given subsystem network of committee, interest groups, agencies, and other relevant actors. Subsystems represent stability and negative policy feedback; once established, they restrict participation from other actors, which in turn helps a committee retain its decision-making

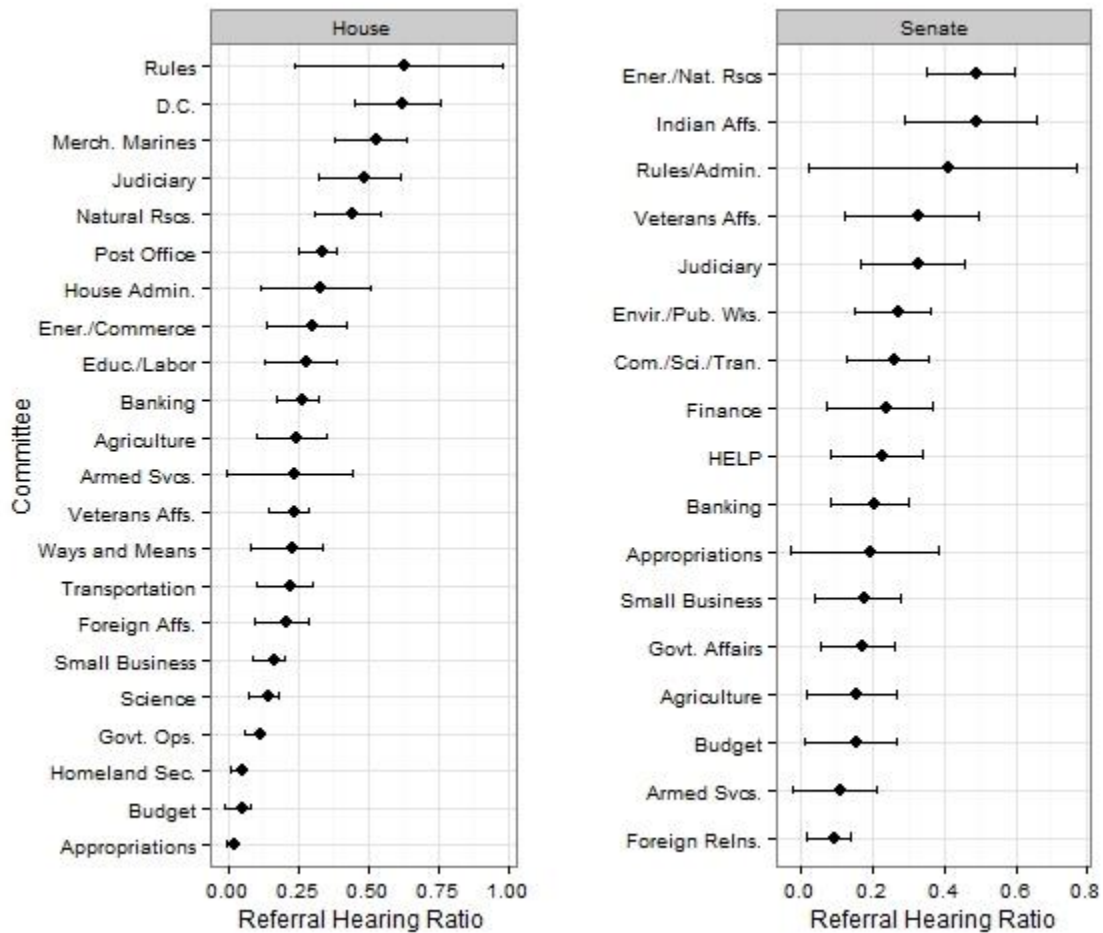
authority (Baumgartner and Jones 1991; Bawn 1997; Worsham 2006). Non-legislative activity also may help a committee expand its authority by identifying new policy problems and redefining old issues that may exist in other committees' jurisdictions (Baumgartner and Jones 1993; King 1994; Talbert, et al. 1995).

Given the stability, authority, and credit-claiming and learning opportunities that non-legislative action helps create, why devote the time, effort, and other resources to writing legislation? This question is not merely rhetorical; just as non-legislative action helps maintain subsystem stability, making policy through legislation elevates the visibility and scope of conflict around a given issue. Indeed, Wolfe (2012) finds that media coverage tends to “hit the brakes” on lawmaking as new interests countermobilize.

Legislative activity helps committees achieve their goals in different ways. First, legislative action tends to be more visible than all but the highest-profile oversight hearings and, while this fact poses some danger to committees, it also provides members with more concrete actions for which to claim credit (Adler and Wilkerson 2012). Legislating also helps committees achieve or retain decision-making authority and locks in this authority for a longer period of time than non-legislative action. Legislation typically sets policy for multiple years at a time, ensuring that a committee will have the authority not only to review that policy as it is implemented but to revise it in the future. At the risk of being facile, legislative policymaking also confers legislative authority. Legislative authority, in turn, gives a committee some degree of gatekeeping power and a greater say in how they may allocate their own resources, both between action and inaction and among different types of action, in the future.

While chapter 1 showed declines in the average legislative activity across committees, breaking these data out by individual committee shows some variation across panels, which in turn points to shifts in committee competition for legislative authority over time. Comparing legislative activity across committees can illustrate which committees have emphasized competition for legislative agenda space more than others over the past several decades. Committees that held few hearings in a given congress from 1981 to 2012, like the two rules committees and the House District of Columbia Committee, led the way in focusing their hearing activity on legislation during this time period (Figure 2-1). The House and Senate committees with jurisdiction over judiciary, energy, and resources issues devoted at least one out of every three hearings to legislation on average from 1981 to 2012. Looking at the opposite end, we see that the two budget committees held relatively fewer referral hearings in each chamber during this period. The data also show some interesting cross-chamber variation for some committees with similar jurisdictions. The Senate Foreign Relations Committee, for example, has the lowest average referral hearing ratio in its chamber over this time period, while the House Foreign Affairs Committee devoted relatively more of its hearings to legislation (though still in the bottom third of all House committees).

Figure 2-1. Committee Referral Hearing Ratio Averages, 1981-2012

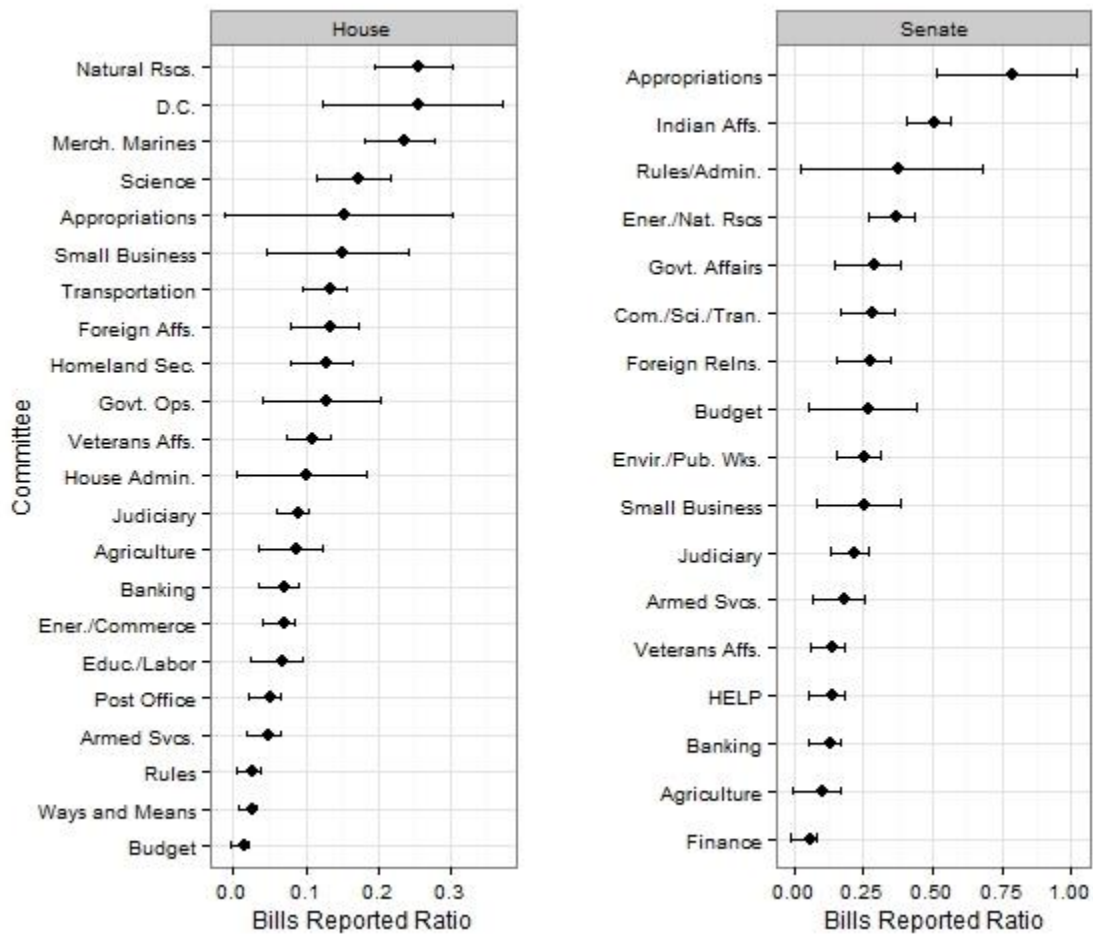


Source: Policy Agendas Project, calculated by the author.

The bills reported averages (Figure 2-2) show many similarities to the hearings data. Several of the same committees are at the top of the list, including the two resources committees, the House District of Columbia and Merchant Marines Committees, and the Senate Indian Affairs Committee. The two tax committees, House Ways and Means and Senate Finance, are near the bottom in average bills reported to the floor. In part this finding is due to the substantial number of bills referred to the committee, which increases the

denominator in the ratio measure. Tax bills also typically are dealt with in a comprehensive way rather than piecemeal, so one bill reported out by either committee covers many programs. Finally, Congress repeatedly has taken steps to prevent other committees from encroaching on the two tax committees' turf, so neither may feel compelled to compete for legislative authority in the same way as other committees.

Figure 2-2. Committee Legislative Activity Trends, 1981-2012



Source: THOMAS, calculated by the author.

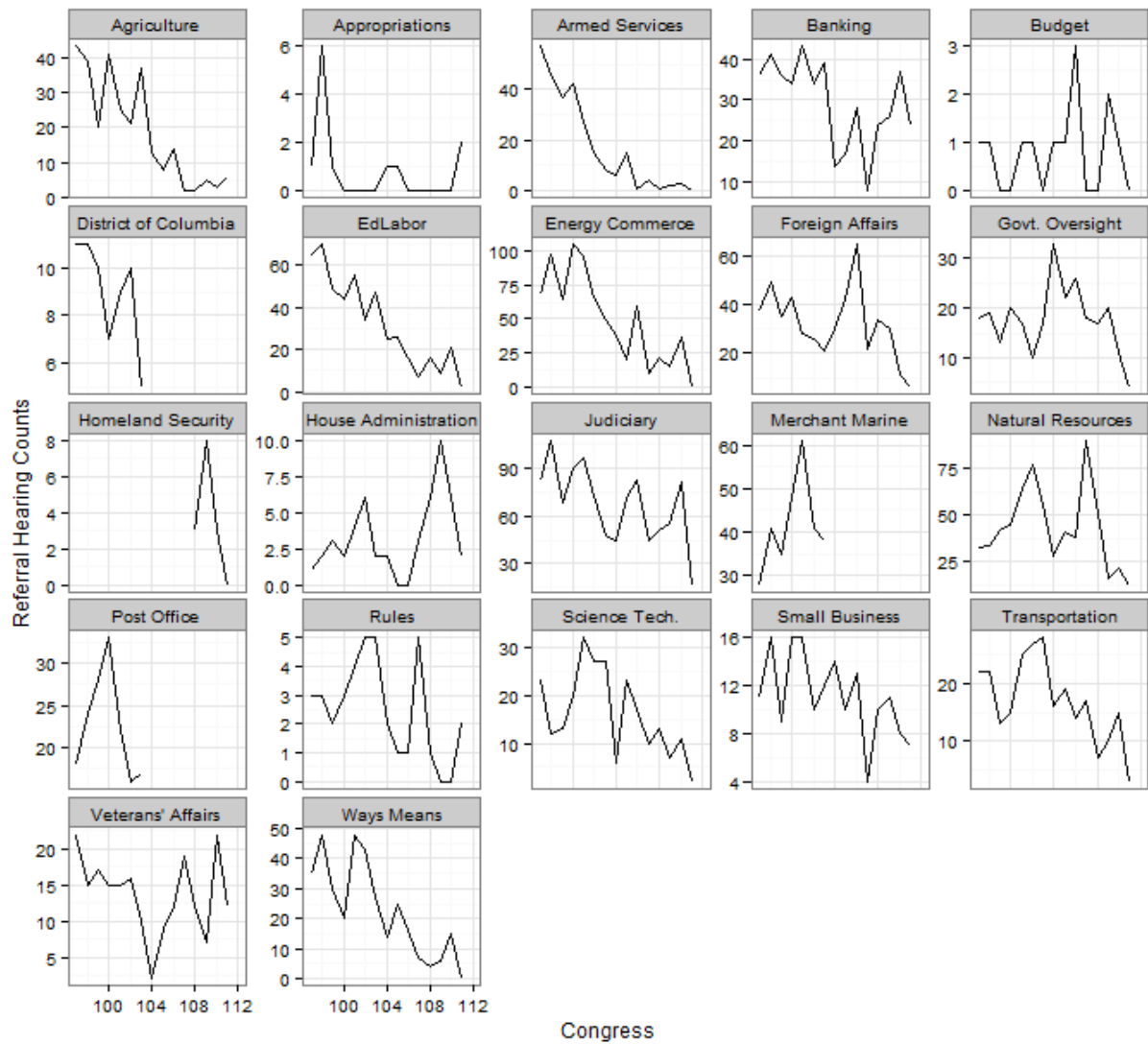
Committees are roughly organized around different sets of related issues, and so the data in Figures 2-1 and 2-2 represent cross-sections of the congressional policy agenda over the past 35 years. Resources and environmental issues have represented relatively more of the institution's legislative activity since 1981, while military, foreign affairs, and banking issues have tended to characterize Congress's non-legislative agenda.

Tracing changes within committees across time reveals that most committees in both chambers show relatively consistent downward trends in legislative hearings—that is, the vast majority of committees are devoting relatively more of their hearing activity to oversight today than they did 35 years ago (see Figures 2-3 and 2-4). For some committees this change has been gradual, as with the House Education and Labor, Energy and Commerce, and Transportation Committees and Senate Commerce, Science, and Transportation and Energy and Natural Resources Committees. Other committees experienced relatively sudden, dramatic shifts; the House Appropriations and Senate Appropriations, Armed Services, and Judiciary Committees saw sharp drop-offs in legislative hearings in the mid-1980s.

We see similar trends for committee markups; increasingly fewer committees over time are competing with one another for floor space and legislative authority. In the House (Figure 2-5), committees such as Armed Services, Education and Labor, and Energy and Commerce show relatively steady declines over this period, while others like Agriculture and Ways and Means show sharp declines in legislative activity. A few committees have, in fact, increased their legislative hearing activity over the past 35 years, notably the two government operations and oversight committees and the House Banking and Budget

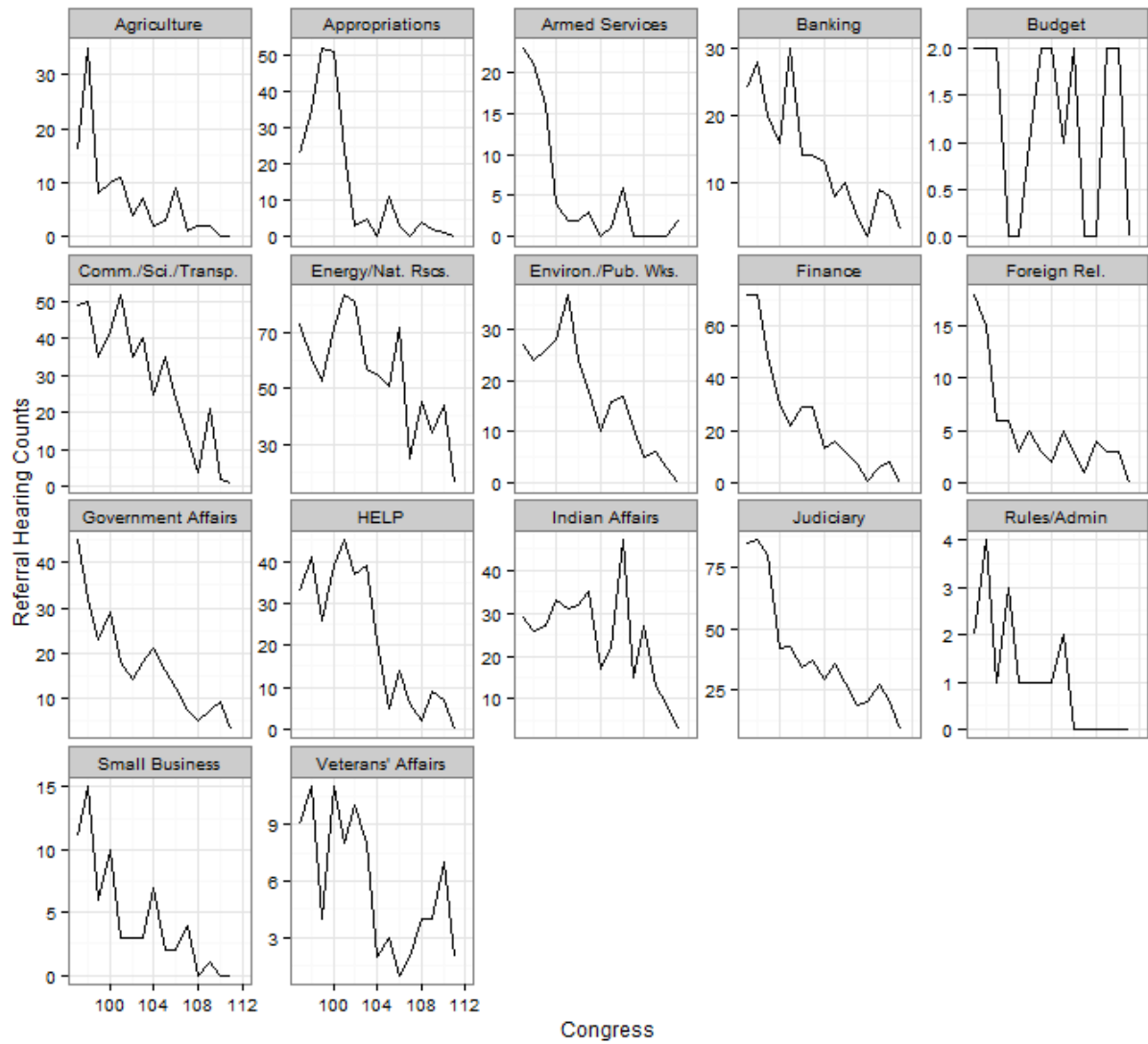
committees. Several Senate committees, such as Environment and Public Works and Indian Affairs have held their legislative output relatively steady (see figure 2-6).

Figure 2-3. House Committee Legislative Hearing Trends, 1981-2012



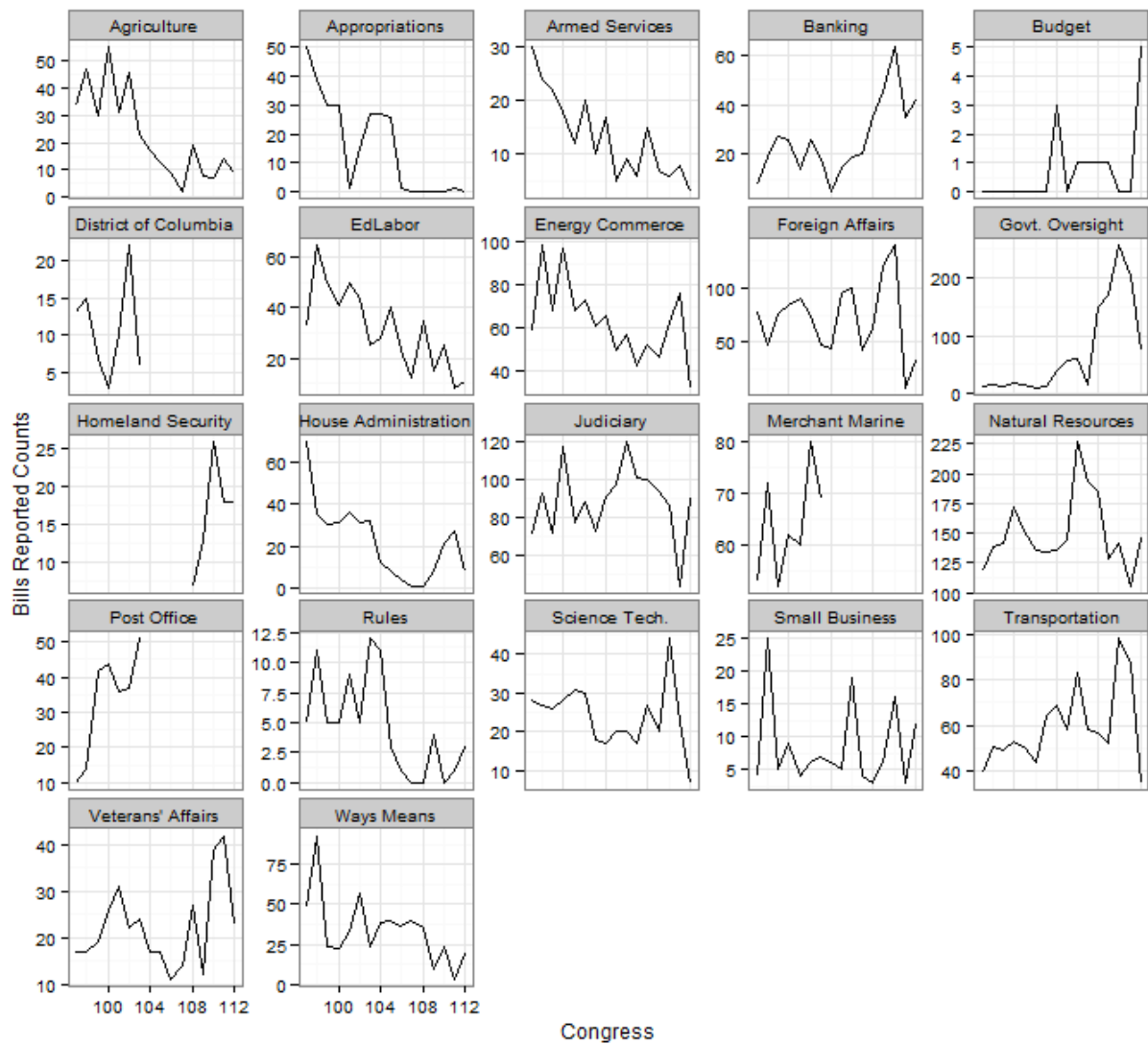
Source: Policy Agendas Project, calculated by the author.

Figure 2-4. Senate Committee Legislative Hearing Trends, 1981-2010



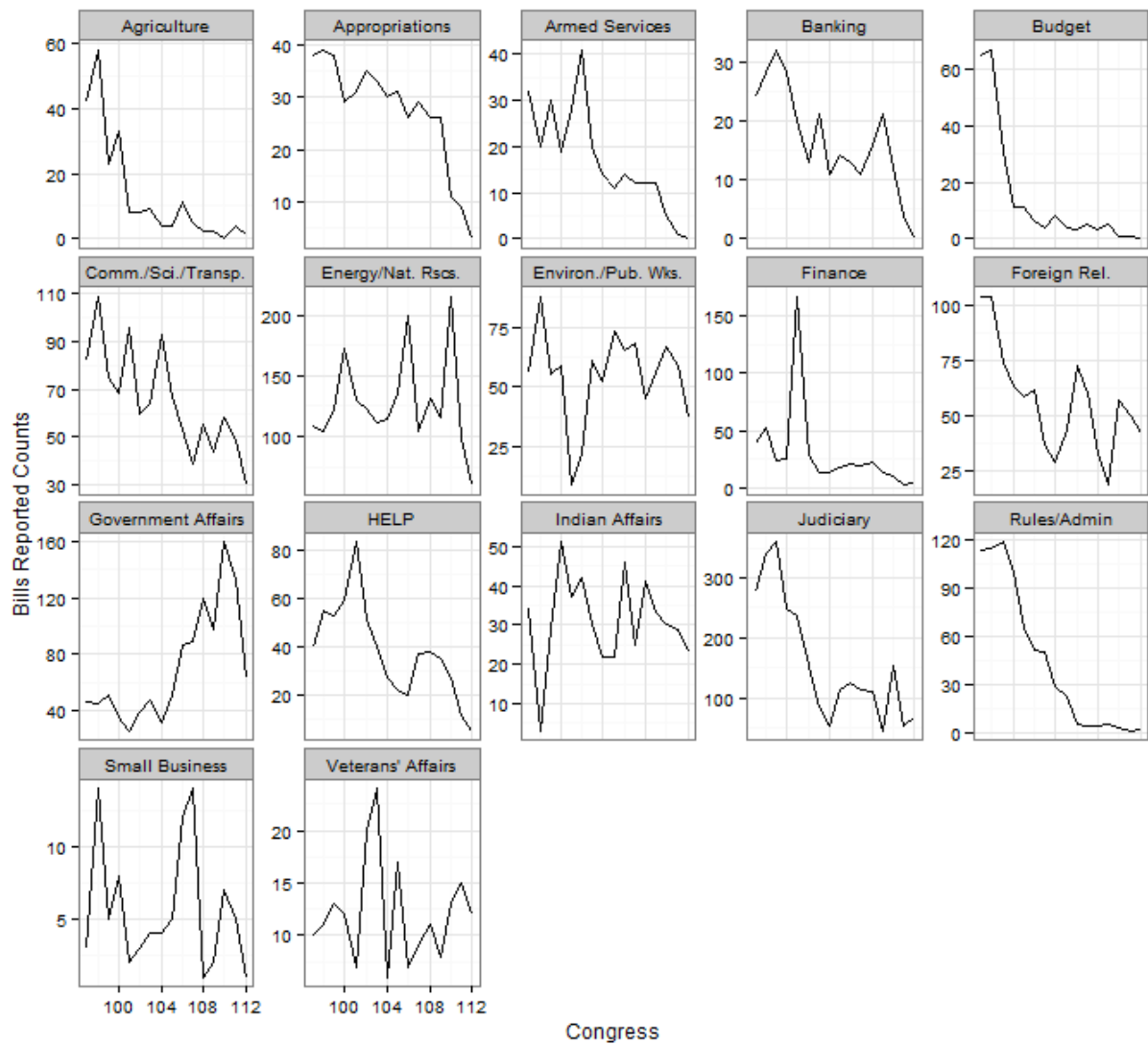
Source: Policy Agendas Project, calculated by the author.

Figure 2-5. House Committee Bills Reported Trends, 1981-2012



Source: THOMAS, calculated by the author.

Figure 2-6. Senate Committee Bills Reported Trends, 1981-2012



Source: THOMAS, calculated by the author.

What explains the trends seen in Figures 2-3 through 2-6? Why are fewer and fewer committees in both chambers competing with one another for legislative information and agenda space? Based on this chapter's discussion, two factors should drive committee

decisions between legislation and oversight when making policy. First, uncertainty about whether a committee's bills will reach the legislative agenda now and in the future and thus offset the opportunity costs associated with devoting time to legislative activity. Second, and relatedly, a belief that oversight will help a committee gain or retain policymaking authority to a greater extent than will legislative work. The next section develops these hypotheses further based on a series of institutional changes that have affected how legislative and non-legislative action help committees achieve their goals.

TESTING EXPLANATIONS FOR A DECLINE IN LEGISLATING

Political scientists and other observers have studied lawmaking from a variety of perspectives and reach different conclusions about what drives legislative activity. Their studies, reports, and articles largely focus on the two chambers' floor agendas. As we have seen in this and the previous chapter, any explanation for the recent decline in congressional legislative activity should incorporate committee decisions between legislation and oversight. I conclude this chapter by briefly considering several potential explanations for the shift away from legislative activity.

Legislating involves more uncertainty for committees than does oversight of the executive branch. When a committee holds an oversight hearing, it knows that it is conducting oversight. When a committee holds a hearing on a bill or reports that bill to the floor, obstacles remain that may prevent that bill from being considered in the full chamber (just ask Joe Lieberman). One possible explanation for a decline in committee legislating thus may be that uncertainty about obtaining floor space has increased. Such uncertainty can have several sources, but one is frequently highlighted by scholars, journalists, and

legislators: partisanship. Congress tends to enact smaller shares of its agenda under divided government, while increased polarization—parties that are ideologically homogeneous internally yet unlike one another—tends to decrease the likelihood that a given significant legislative proposal will be enacted (Binder 2003; D. Jones 2001). As lawmaking becomes harder, the uncertainty surrounding which bills will reach the floor agenda increases. Just as the Senate Governmental Affairs Committee experienced with cybersecurity, a committee can spend weeks, months, even years developing a particular bill only to see the final product fall due to political gridlock, time that could have been spent redefining the problem in a more favorable way or directing bureaucratic implementation. The uncertainty explanation is explored in more detail in chapter 3.

Another possible explanation is that competition for policymaking authority has changed to make oversight more fruitful for committees than legislating. Specifically, party leaders are playing larger roles in establishing the lines of legislative authority at the beginning of the process through referring bills to committees, and towards the end of the process through determining which bills come up for debate on the floor. According to this explanation, partisanship still “matters,” but indirectly. As the two parties have become more homogenous and more willing to give party leaders greater authority, less of that authority is available to committees and in turn they are spending their time on other things. Chapter 4 takes up this explanation. The distinction between direct and indirect partisan effects is an important one for understanding the sources of changes to congressional policymaking and thus the potential solutions for those who would wish to see committees spend more time legislating.

The previous two explanations address committee legislative incentives and uncertainty. But what of committees' other option? A third explanation for the shift towards greater committee oversight is that demand for such policymaking has increased; committees are spending more time on oversight because they must. Chapter 5 takes up this explanation by examining two sources of increased oversight demand: the growth in executive branch policymaking following World War II; and an increasing reliance on temporary, stopgap government funding measures called continuing resolutions that create uncertainty for agencies about which programs to prioritize and thereby foster competition among committees to set agency priorities.

Chapter 3: Partisanship and Committee Activity

As reporters covering Congress, commentators, political scientists, and members themselves have surveyed the institution over the past decade, one common theme emerges: partisanship has rendered Congress unproductive and ineffective. Republicans and Democrats, so the argument goes, find fewer incentives to strike bipartisan deals and instead spend their time trying to score political points that they hope will contribute to electoral victories (Everett 2015; Levy 2015). Even esteemed members of other branches have joined in the chorus, with Supreme Court Justice Ruth Bader Ginsburg commenting that partisanship has rendered Congress “not equipped really to do anything” (Kamisar 2015).

Such an argument typically relies on enacted laws as evidence of a partisan, dysfunctional Congress (Binder 2003; Eldridge 2014; Howell, et al. 2000; D. Jones 2001; Marcos and Cox 2014; Topaz 2014). Yet as we saw in chapter 1, a real change to congressional policymaking is happening at the committee level rather than an overall decline in Congress’s substantive lawmaking output. In this chapter I translate the logic of partisanship-based arguments about congressional productivity to committee policymaking, then systematically test those arguments.

A committee’s decision about how to make policy is a matter of trying to establish policymaking authority in the face of uncertainty. Legislative policymaking can establish or lock in authority, but sending a bill to the floor means competing for floor space and time with dozens of other committees doing the same. Such was the House Agriculture Committee’s experience in 2012, after it had spent years developing omnibus agriculture

legislation (the “farm bill”) only to see House Republican leaders prioritize tax and transportation matters (Newhauser 2012; Rogers 2012). The Senate Homeland Security and Government Affairs Committee saw with their 2012 cybersecurity measure, a committee can spend weeks, months, even years developing a particular bill only to see the final product fall due to political gridlock, time that could have been spent redefining the problem in a more favorable way or directing bureaucratic implementation.

Partisanship in Congress, then, only heightens committee uncertainty about whether a bill will be debated on the floor and thus acts as an environmental constraint on committee policy choices. Committees often consider the partisan environment in which they operate when making policy decisions (Fenno 1966). Partisan conflict on the chamber floor can reduce the agenda even further than the natural limits on attention. In 2007, the House Democratic majority brought a bill to the floor to grant the District of Columbia a seat in the House of Representatives, but had to pull the bill when Republicans offered a motion to recommit the bill back to committee that would have forced a vote on D.C. gun ownership. Senate Democrats faced a similar dilemma in January 2014, when they had to decide whether to bring a budget resolution to the floor as they did in 2013, when “Republicans kept the Senate in well past midnight to vote on a host of politically sensitive amendments” (Sanchez 2014, 7). Budget Chairwoman Patty Murray (D-Wash.) and the Democratic leadership ultimately decided against bringing the resolution to the floor and subjecting their colleagues up for re-election in states like Arkansas and Louisiana to likely amendment votes related to the Patient Protection and Affordable Care Act.

Intra-party disagreements also can influence the size of the floor agenda and create uncertainty for committees. Floor action on omnibus agriculture legislation (the “farm bill”) was repeatedly delayed in 2012 even though Congress had routinely enacted previous iterations by wide voting margins. The Senate passed its version in June of that year, followed soon thereafter by House Agriculture Committee approval, committee member Tim Huelskamp (R-Kan.) raised objections to the bill's nutrition assistance program funding authorization. Republican leaders repeatedly delayed floor action fearing potential conservative amendments that would force their caucus to cast tough votes on nutrition assistance program funding. Delaying floor action on the farm bill created uncertainty not only for the Agriculture Committee, but also for others who saw the farm bill consume more congressional time and attention than anticipated, leaving less time to consider their own legislation.

The previous discussion has considered the role of partisanship as a broad concept, which partially reflects its usage by many commentators who refer to some mix of divided government, polarization, lack of willingness to bargain, and dilatory action by the minority party when they blame “partisanship” for an unproductive institution. Political scientists have identified four styles, or flavors, of partisanship and party activity, each of which may create uncertainty for committee in different ways and thus bear on decisions to make policy through legislative or non-legislative means. I briefly describe them here, but the remainder of the chapter addresses them in turn and tests whether committee policymaking—the choice between legislation and oversight—responds to a committee’s partisan environment.

The first of these is what I call “purely partisan”: does one party hold a majority of seats in the House and Senate? Does that same party hold the presidency? The second style is ideological partisanship: do members of the two parties represent similar economic and social preferences, or are they starkly divided? The third style, party cartels, affect congressional procedure and focus the agenda depending on how closely aligned the members of the majority party are with each other. Fourth, supermajoritarian partisanship represents the congressional parties operating within particular institutional structures that require more than a simple majority of votes and, in so doing, enable legislative gridlock.

Each of these styles could potentially contribute to a decline in committee legislative work, though because they are related the effects can be difficult to isolate. Ultimately I find very limited evidence that partisanship is directly to blame. Nevertheless, partisanship writ large has become such a prominent explanation for a breakdown in congressional legislating that it is useful to unpack the different styles and show empirically that they have little effect at the committee level.

PURE PARTISANSHIP: DIVIDED GOVERNMENT

Scholars have long debated the effects of divided government on congressional lawmaking, a debate that intensified following David Mayhew’s landmark study (1991) found no difference in important or significant laws during periods where the same party held the White House and congressional majorities and those periods where party control was split. Even as political scientists have refined their concepts, measurement strategies, and models, we still have a hazy picture of whether party control or split of the two chambers of Congress and the presidency affect legislative outputs. Depending on how one

classifies different laws, divided government may decrease the number of “significant” laws enacted but not “important” laws (Howell, et al. 2000). Divided government may reduce the share of the congressional agenda that gets enacted, or at least the share of those issues the New York Times editorial board finds notable (Binder 2003), perhaps because divided government tends to increase the size of the congressional agenda (Shipan 2006).

Yet even in the face of a mixed body of evidence, the sense persists that split party control makes it harder to legislate. In recent years a divided Congress or divided government has been blamed for “historically unproductive” congresses and, in the words of Rep. Hank Johnson (D-Ga.), “the do-nothingest Congress” (Eldridge 2014; Marcos and Cox 2014). Such laments are curious in part because divided party control of the elected branches of American government has actually become *less* common, with three of the five congresses from 2003 to 2012 occurring under completely unified government (the 108th, 109th, and 111th) and one (the 110th) with the same party holding a majority of seats in both chambers (see Figure 3-1). Such a trend casts doubts on divided government as an explanation for a decline in lawmaking, as do data previously presented in this dissertation: recall from Figure 1-2 that the number of legislative hearings decreased in both chambers during the 111th Congress (2009-10), even with a Democratic president and Democratic majorities in the House and Senate.

Figure 3-1. Increase in Unified Partisan Control of the U.S. Government

	<i>Congress</i>										
<i>Unified Control</i>	103rd					108th		109th		111th	
<i>Divided Branches</i>	100th		101st	102nd	104th		105th	106th		110th	
<i>Divided Chambers</i>	97th	98th	99th		107th					112th	

Note: Unified Control refers to the presidency and majorities of both chambers of Congress being held by the same party. Divided Branches refers to majorities of both chambers of Congress being held by the presidential out-party. Divided Chambers refers to a majority of seats in each chamber of Congress being held by a different party. The 107th Congress began as Unified Control with a 50-50 party split in the Senate and Vice President Cheney serving as the tie-breaking vote in favor of Republicans. On June 6, 2001, Vermont Sen. James Jeffords switched his affiliation from Republican to an Independent who caucused with the Democrats and effectively gave the Democrats a 51-49 majority, which held for the duration of the congress. The 107th Congress is thus characterized overall as a Divided Congress.

Viewing policymaking more broadly from the committee's perspective does not give us a more concrete answer, either. Some political scientists find that committee oversight of the executive branch increases under divided government (Aberbach 1990; Ainsworth, et al. 2012; Ogul and Rockman 1990; Parker and Dull 2009; Scher 1963). Still others find little difference in the level of oversight during times of unified and split party control (Mayhew 1991; Light 2014), particularly when committees and agencies tend to agree on policy (McGrath 2013). Indeed, a switch to unified government can produce more "retrospective" oversight as committee members work with bureaucrats to undo the previous administration's policies (MacDonald and McGrath 2016). These studies all consider oversight alone, rather than as one possible way to make policy alongside legislating. In light of the accumulated mixed findings on divided government, I next test whether pure partisanship drives committee decisions about how to make policy.

I do so with four time series cross-section beta regression models, two for House committee policymaking and two for Senate committees. In two of these models, the dependent variable is the proportion of hearings a given committee holds in a given congress that are legislative. In the other two models, the dependent variable is the proportion of bills referred to each committee that are marked up and reported to the floor in a given congress.⁵ Using beta regression models with a proportion as the dependent variable allows me to interpret the coefficient estimates in terms of *when* a committee holds a hearing or is referred a bill, is that hearing legislative/that bill marked up and reported to

⁵ See the methodological appendix for more on the choice of proportions as dependent variables, beta regression, and the use of fixed effects and time trend counters in time series cross section models.

the floor, thereby accounting for both variation in overall levels of committee activity and the fact that committees do not always hold hearings or mark up legislation. Because these are beta regression models, the coefficient estimates must be exponentiated to create odds ratios which, in this case, indicate the odds of a committee hearing being legislative (hearing models) or the odds of a bill referred to committee being marked up and reported out (bills models). When discussing the beta regression model results, I speak both of the coefficient estimates' statistical significance and direction and of their substantive effects obtained from the odds ratios.

The key independent variables are indicators for congresses in which party control of the House and Senate is split between the two parties (Divided Chambers) and for those in which the presidential out-party has a majority of seats in both chambers (Divided Branches). If pure partisanship is driving the shift away from legislative work in committee, then the coefficient estimates for either or both of these indicators will be negatively signed. Each model also features a time trend counter to address potential serial correlation in the data.

In keeping with the state of the literature, I obtain mixed results for the effects of divided government and divided partisan control of the two chambers on committee policymaking. Divided party control of the two chambers has a statistically significant negative effect on House committee hearings. Exponentiating the coefficient estimate reveals that a switch to split party control of the House and Senate lowers the odds that a House hearing will be legislative by about 39 percent. Yet the House bills reported model results also indicate that divided partisan control of Congress and the White House

increases the odds of House committees reporting out a bill by about 28 percent. I also find no statistically significant relationship between pure partisanship and Senate committee decisions to make policy through legislation (see Table 3-1). Next, I turn to party polarization as a possible explanation for a shift towards oversight over the past three decades.

POLARIZATION

Years ago, political scientists Keith Poole and Howard Rosenthal (1984; 1997) developed a method of scaling roll call votes to measure the extent to which Republicans and Democrats split in their position taking. They found that voting in Congress typically has two dimensions. The first of these provides the strongest explanation for partisan splits, and corresponds to issues of economics and class. Over time, political scientists have taken to calling this first dimension “ideology,” with the purely moderate position scaled at zero, liberals receiving negative-signed scores and conservatives receiving positive-signed scores. The difference in average party scores along this dimension represents party polarization (McCarty, et al. 2006; Theriault 2008). The further apart the two parties find themselves along this dimension, the more polarized they are considered to be; that is, members of each party vote more similarly to their co-partisans and more unlike members of the other party.⁶

⁶ The voting scores used to calculate polarization, cartels, and gridlock intervals have their caveats, particularly that the choice of issues that comes up for a vote is not made by rank-and-file members of Congress and is, instead, a combination of recurring issues that must be addressed and those votes that would draw the sharpest distinction between the parties (Adler and Wilkerson 2012; Hall 1996; VanDoren 1990). Still, they reflect clear position taking by members of Congress and important decisions about how these members represent their constituents (Kingdon 1973; Mathews and Stimson 1975).

Table 3-1. Testing a Purely Partisan Explanation for Committee Policymaking

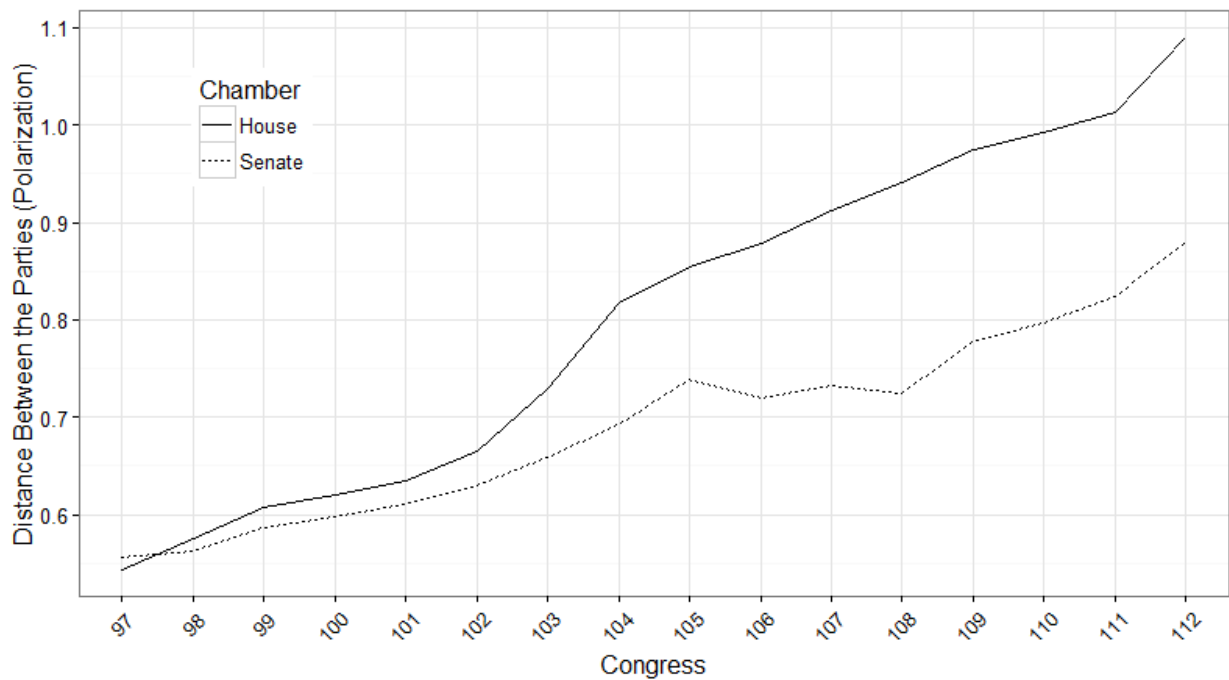
<i>Indep. Variables</i>	House		Senate	
	<i>Leg. Hearings</i>	<i>Reported Bills</i>	<i>Leg. Hearings</i>	<i>Reported Bills</i>
Divided Chambers	-0.34 (0.12) **	-0.16 (0.10)	0.06 (0.16)	-0.17 (0.14)
Divided Branches	-0.19 (0.14)	0.25 (0.12) *	0.13 (0.14)	0.06 (0.13)
Time Trend	-0.15 (0.01) ***	-0.05 (0.01) ***	-0.16 (0.02) ***	-0.11 (0.01) ***
Appropriations	-2.44 (0.27) ***	-1.15 (0.24) ***	-0.64 (0.27) *	3.96 (0.27) ***
Budget	-2.14 (0.27) ***	-2.46 (0.26) ***	-1.33 (0.27) ***	0.03 (0.24)
House Administration	-0.25 (0.25)	-0.08 (0.20)	-	-
House Rules	2.74 (0.27) ***	-1.49 (0.25) ***	-	-
Senate Rules & Administration	-	-	1.55 (0.32) ***	0.68 (0.23) **
Constant	0.38 (0.19)	-1.82 (0.17) ***	0.09 (0.19)	-0.42 (0.17) *
N	314	314	272	272
Pseudo-R ²	0.47	0.43	0.25	0.31

Note: Each column represents a time series cross-section negative binomial regression model. Including only one of the indicators in each model does not yield statistically significant results. Alternative models with counts as the dependent variables do not yield substantively different results.

p < 0.05; ** p < 0.01; *** p < 0.001

Party polarization has fluctuated over time, but the last several decades have seen a largely steady increase, to the extent that today the two congressional parties are more polarized than at any point in America’s history under the Constitution (see figure 3-2).

Figure 3-2. Trends in Congressional Party Polarization, 1981-2012



Source: Voteview.com

Polarization has been blamed for giving us the “worst Congress ever” (until the next congress, anyway) (Klein 2012; Topaz 2014). The Bipartisan Policy Center, chaired by five former members of Congress, recently issued a report lamenting partisan divisions “as if our country is a sports league with competing franchises” and arguing that party polarization weakens American democracy (Bipartisan Policy Center 2014, 19). If

polarization itself makes it harder for the two parties in Congress to compromise, this may reduce the number of bills taken up on the floor and so create more uncertainty for committees about whether their legislative efforts will bear fruit. To test this explanation, I have again constructed a series of regression models with the same dependent variables, this time with a measure of polarization as the key independent variable: the difference in average party voting scores (McCarty, et al. 2006).⁷

As with pure partisanship I find limited evidence for a relationship between party polarization and a shift in committee activity away from legislation. The polarization coefficient estimate is only statistically significant and in the expected direction in the Senate bills reported model. In both Senate models, the coefficient estimate and its standard error are quite large, suggesting multicollinearity with the time trend counter. The polarization coefficient estimate is not statistically significant in either of the House models (see table 3-2). I thus move on to the next style of partisanship, party cartels.

⁷ I use DW-NOMINATE scores, which are designed to be more comparable across time.

Table 3-2. Polarization and Committee Policymaking

<i>Indep. Variables</i>	House		Senate	
	<i>Leg. Hearings</i>	<i>Reported Bills</i>	<i>Leg. Hearings</i>	<i>Reported Bills</i>
Polarization	-2.86 (2.29)	0.34 (1.92)	9.46 (3.66) **	-7.03 (3.24) *
Time Trend	-0.02 (0.09)	-0.06 (0.07)	-0.36 (0.08) ***	0.04 (0.07)
Appropriations	-2.39 (0.27) ***	-1.18 (0.24) ***	-0.63 (0.27) **	3.94 (0.27) ***
Budget	-2.11 (0.27) ***	-2.43 (0.26) ***	-1.29 (0.27) ***	0.06 (0.24)
House Administration	0.29 (0.28)	-0.08 (0.21)	-	-
House Rules	2.80 (0.28) ***	-1.51 (0.25) ***	-	-
Senate Rules & Administration	-	-	1.52 (0.32) ***	0.68 (0.23) **
Constant	1.34 (1.12)	-1.81 (0.94)	-2.37 (4.45)	3.18 (1.70)
N	314	314	272	272
Pseudo-R ²	0.46	0.42	0.26	0.32

Note: Each column represents a time series cross-section beta regression model. Alternative models with counts as the dependent variables do not yield substantively different results.

p < 0.05; ** p < 0.01; *** p < 0.001

PARTISAN CARTELS

One approach to congressional agenda setting that explicitly incorporates parties is the cartel theory. According to this theory, members of Congress secure re-election as members of a national party, based on the agenda they enact and maintenance of the institution (Cox and McCubbins 1993). To enhance its “brand,” the majority party tries to restrict the agenda to those issues that will keep its brand identity consistent; that is, to those issues that unify its members. The party does so by controlling important procedural positions such as committee chairs (and, in the House, particularly the Rules Committee). The majority party’s collective identity becomes muddled when it loses votes on the chamber floor (Cox and McCubbins 1993; 2005; Den Hartog and Monroe 2011). Committees thus play an important role in helping cartelized parties structure the legislative agenda by keeping those bills that would muddle the party’s brand identity from reaching the floor (Cox and McCubbins 2005; Kiewiet and McCubbins 1991).

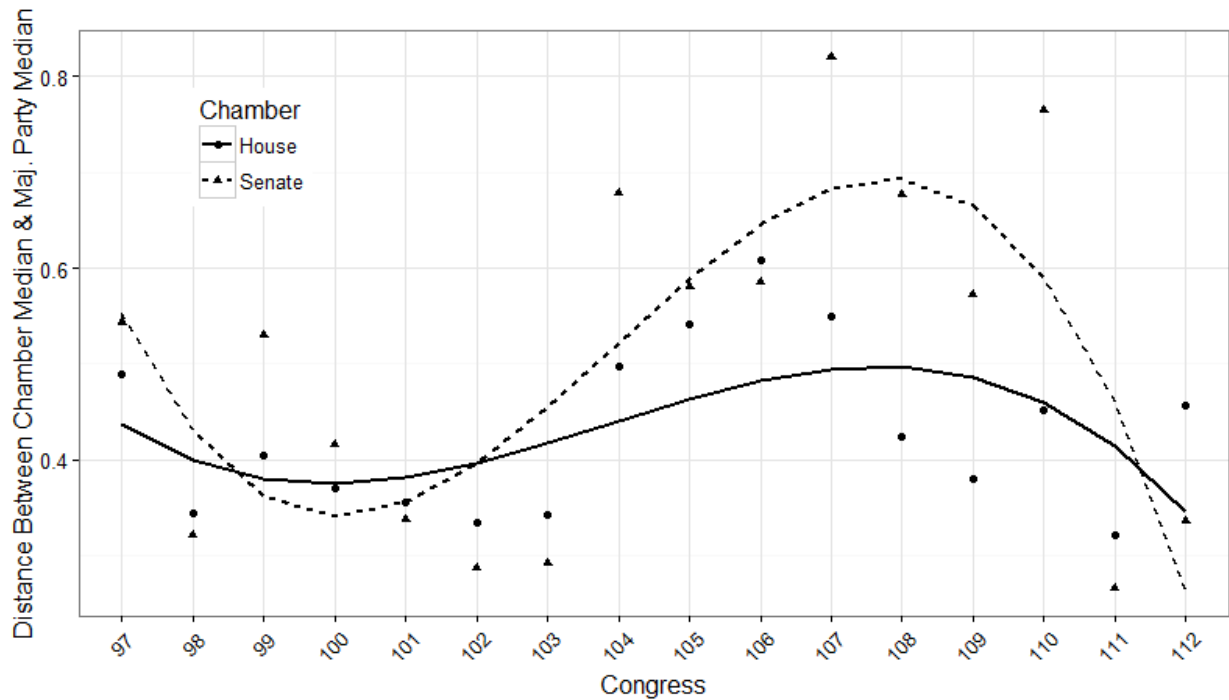
Cartels become stronger when the majority party is more homogenous—when party members are more apt to agree on what their national agenda should be. As the average member of the majority party presents an ideology or voting record that is further away from the average member of the chamber, the majority party needs to block a wider range of issues from reaching the floor in order to keep a consistent brand, and so committees are responsible for blocking more legislation. As this distance grows then, we might expect committees to spend less time on legislation.

The “cartel range,” or distance between the average voting member of each chamber and the average member of the majority party in that chamber, has fluctuated over

the past several decades, and the dynamics in the House and Senate have been similar (see figure 3-3). The majority parties were closer to the average member of Congress in the mid-1980s (99th and 100th Congresses) then further away, with the average majority party members voting most dissimilarly from the average members of Congress in 2003-2004 (108th Congress). The majority party and the average member of Congress have grown closer since then, and in the Senate they are the closest they have been since the early 1990s. On that point, while the shape of the two chamber's trends is similar, the Senate has oscillated more extremely, with both smaller and greater distances between the average majority party member and average senator than in the House over this period. The large swings in the Senate's cartel range may be due to the upper chamber's smaller size, where movement by or replacement of even a few senators can have a larger effect on her party's average vote score.

If committee decisions about how to make policy correspond to their roles in party cartels, then we should expect committees to devote less of their policymaking activity to legislation in times when the average majority party member and the average member of their particular chamber are further apart ideologically. To test this expectation, I have constructed regression models with the proportion of committee activity that is legislative as dependent variables and the distance between the average majority party member voting score and the average chamber member voting score in each congress as the independent variable of interest. These models also include committee fixed effects and a time trend counter.

Figure 3-3. Trends in Majority Party Cartels, 1981-2012



Source: Voteview.com, calculated by the author

Once again, I find no statistically significant relationship between partisanship, this time parties-as-cartels, and House committee policymaking (see table 3-3). That is, the ideological distance between the average majority party member and the average voting member in the House seems to influence neither the share of hearings a committee holds that are legislative *nor* the proportion of bills in a committee's jurisdiction that are reported to the floor, the latter of which in particular is a key prediction of the cartel theory. The coefficient estimate for the cartel interval is statistically significant and positive in the Senate bills reported model, contra expectations of the cartel theory of party agenda control.

Table 3-3. Party Cartels and Committee Policymaking

<i>Indep. Variables</i>	House		Senate	
	<i>Leg. Hearings</i>	<i>Reported Bills</i>	<i>Leg. Hearings</i>	<i>Reported Bills</i>
Maj. Party-Floor Avg. Distance	-0.52 (0.67)	0.22 (0.55)	0.05 (0.38)	1.17 (0.33) ***
Time Trend	-0.12 (0.01) ***	-0.05 (0.01) ***	-0.17 (0.02) ***	-0.11 (0.01) ***
Appropriations	-2.37 (0.27) ***	-1.19 (0.24) ***	-0.62 (0.27) *	3.83 (0.27) ***
Budget	-2.11 (0.27) ***	-2.43 (0.26) ***	-1.31 (0.27) ***	0.08 (0.24)
House Administration	-0.30 (0.26)	-0.08 (0.21)	-	-
House Rules	2.82 (0.28) ***	-1.52 (0.25) ***	-	-
Senate Rules & Administration	-	-	1.54 (0.32) ***	0.68 (0.23) **
Constant	0.15 (0.29)	-1.73 (0.24) ***	0.17 (0.21)	-0.99 (0.18) ***
N	314	314	272	272
Pseudo-R ²	0.46	0.42	0.25	0.33

Note: Each column represents a time series cross-section beta regression model. Alternative models with counts as the dependent variables do not yield substantively different results.

p < 0.05; ** p < 0.01; *** p < 0.001

GRIDLOCK

The final flavor of partisanship considered here is supermajoritarian partisanship, in which the two congressional parties operate under institutional rules that require more than a simple majority of votes to succeed. The two most relevant of such rules are the three-fifths requirement to override a presidential veto and the two-thirds requirement to overcome Senate filibusters that was in place prior to 2013. These two rules are part of Keith Krehbiel's (1998) pivotal politics model. Krehbiel notes that the two supermajoritarian requirements enforce gridlock—the inability to change the status quo policy—without making legislating completely impossible (gridlock is common, but not constant). The members who need to be swayed to override a veto or vote in favor of cloture to end a filibuster are thus “pivotal” for making policy, and the range of policies that lie between their voting preferences represents the “gridlock interval” in which no status quo can be changed

While Krehbiel (1993; 1998) downplays the role of parties in organizing congressional position taking, the gridlock model relies on party to the extent that the party of the president determines which member is pivotal for overriding vetoes and which is pivotal for overcoming a filibuster (in the language of his model, which side you start from to determine each pivot). Furthermore, these two supermajoritarian requirements have become party tools to oppose or obstruct policies that either the president or the congressional majority support (Koger 2010; Smith 2014; Theriault 2013). If a majority does not have the two-thirds or three-fifths needed, it must convince members of the

minority party to vote with them, otherwise the veto will stand or a bill will be filibustered until it is withdrawn or it dies at the end of a congress.

Such gridlock makes lawmaking harder and so creates more uncertainty for committees; indeed, the cybersecurity bill that was to be Sen. Lieberman's last major legislative legacy before his retirement was killed by a filibuster, giving the Senate Homeland Security and Government Affairs Committee nothing to show for its years of work spent on the bill. A larger gridlock interval means the pool of policies that might see significant change is smaller, which in turn might decrease the incentive for committees to devote time and effort into advancing legislation.

Krehbiel (1998) devised his model to recall a unicameral legislature, and the U.S. Congress has a House and Senate. Poole (1998) used data on members of Congress who served in both the House and Senate to calculate "common space" voting scores that place senators and House members along the same continuum as if they were voting in the same unicameral legislature. From these scores we can find the members of Congress in either chamber who are pivotal for ending filibusters and overriding presidential vetoes and thus calculate the size of the gridlock interval in a given congress (Chiou and Rothenberg 2006; 2008).

The congressional gridlock intervals (the distance between the veto and filibuster pivots) has grown over time, particularly beginning with the 104th Congress, after Republicans gained a majority of House seats in the 1994 elections. The interval shrunk slightly in 2009-10 (the 111th Congress), but increased again the following congress (see figure 3-4, panel A). Panel B takes this analysis a step further by decomposing the gridlock

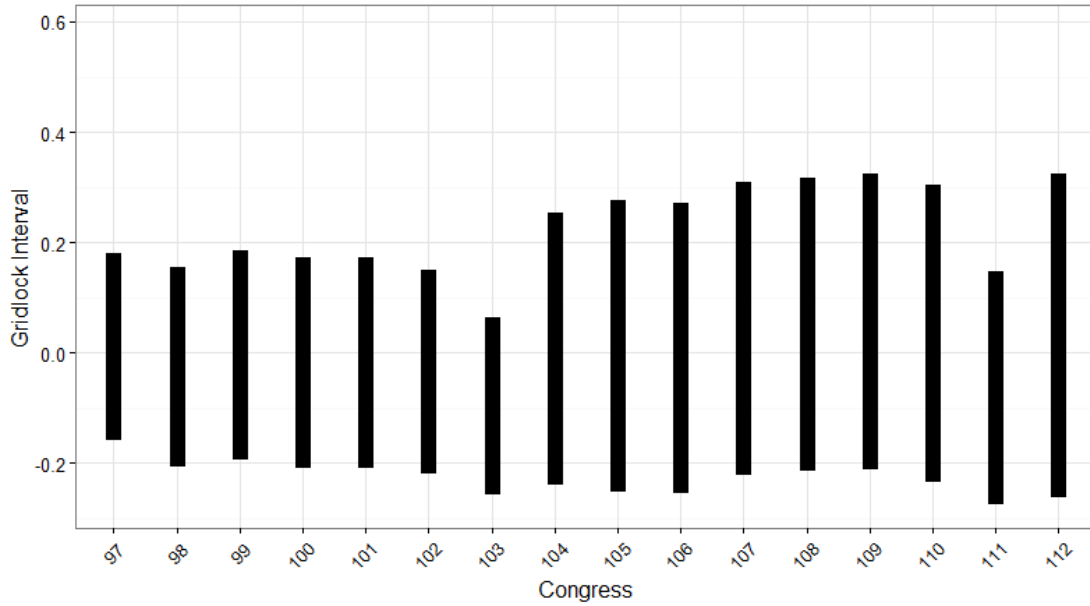
interval into its component parts: the respective locations of the veto and filibuster pivots. Because the voting scores of these pivotal members might be positive or negative depending on whether that member voted in a liberal or conservative direction, I take the absolute value of these voting scores. The result gives us a pivotal legislator's extremity (distance) from zero, the moderate voting position on the continuum.

Doing so reveals that members of Congress taking up both pivotal positions have become more extreme (further from zero) over time, the veto pivot more so than the filibuster pivot. During most of the 1980s, the member pivotal for overcoming a filibuster displayed more extreme voting patterns than the member pivotal for overriding a veto. That changed in 1993-4 (the 103rd Congress), when a large amount of electoral turnover (about one-quarter of members serving that congress were freshmen) made a fairly moderate senator, Bob Packwood (R-Ore., voting score = 0.074), pivotal for overcoming filibusters (see Figure 3-4, panel B).

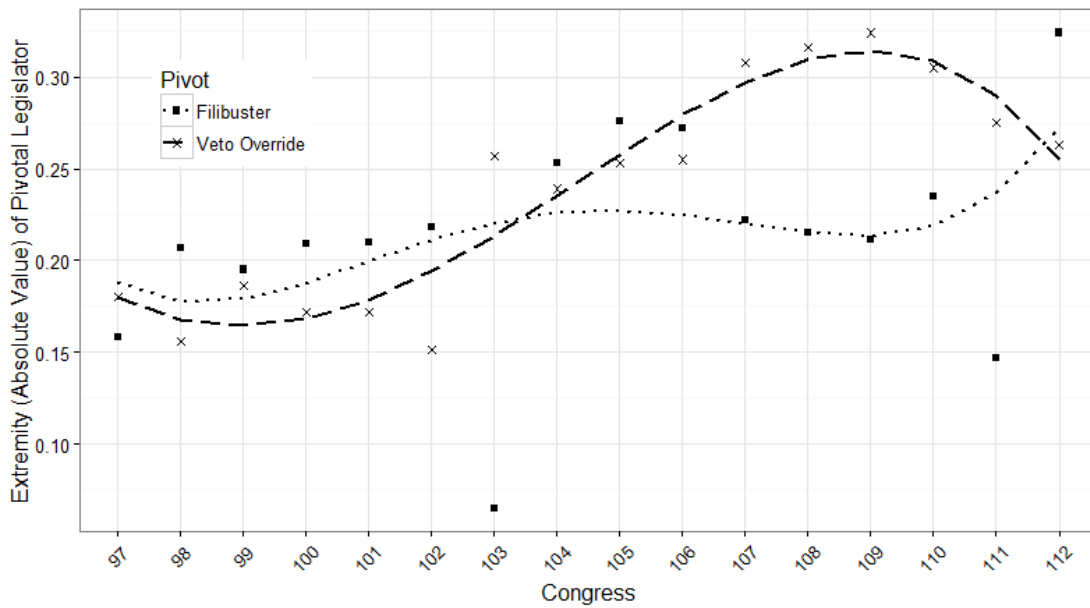
Interestingly when one considers the ever-increasing trend in party polarization, recent congresses have seen relatively less extreme pivotal legislators (with the exception of the filibuster pivot in 2011-2). For the veto pivot this trend begins in the 110th Congress (2007-8), while for the filibuster pivot it begins even earlier, in 2001-2 (the 107th Congress). Also notable is that the most extreme voting scores of any of the pivotal members during this time period both belong to Senator Mitch McConnell (R-Ky., voting score in both cases = 0.324) who was the veto override pivot while also serving as the Majority Whip during the 109th Congress and the filibuster pivot in the 112th Congress while also serving as Minority Leader.

Figure 3-4. Trends in Gridlock Intervals, 1981-2012

Panel A: Gridlock Interval



Panel B: Extremity of Two Pivots



Source: Voteview.com, calculated by the author

I next test whether the increasing gridlock intervals have contributed to committees shifting their activity away from legislation and towards conducting oversight. The independent variable of interest in these models is the difference in “common space” voting scores of the member pivotal for overriding a presidential veto and the member pivotal for ending a filibuster. As before, the models all include a time trend counter to address potential serial correlation in the data. And as before, I find few statistically significant relationship between the size of the gridlock interval and committee legislative activity (see table 3-4). The only gridlock coefficient estimate that is statistically significant is positive in the Senate hearings model, which runs counter to the hypothesized relationship between partisanship and legislative policymaking. Alternate models using only chamber-specific voting scores do not produce substantively different findings.⁸

WHITHER PARTISANSHIP?

Political scientists, media members, and both current and former members of Congress have pointed to partisanship as a root cause of congressional dysfunction and a decline in productivity, at least so far as productivity is defined as enacting laws. As seen thus far, the conventional wisdom has little empirical support. First, as discussed in previous chapters, Congress has more responsibilities than simply enacting laws: namely, oversight, problem definition, and other forms of non-legislative activity.

⁸ For the House models, the distance between the median member and the veto pivot; for the Senate models, the distance between the veto and filibuster pivots.

Table 3-4. Gridlock Intervals and Committee Policymaking

<i>Indep. Variables</i>	House		Senate	
	<i>Leg. Hearings</i>	<i>Reported Bills</i>	<i>Leg. Hearings</i>	<i>Reported Bills</i>
Gridlock Interval	-0.06 (1.07)	0.79 (0.90)	3.36 (1.22) **	2.13 (1.11)
Time Trend	-0.12 (0.02) ***	-0.06 (0.02) ***	-0.21 (0.02) ***	-0.13 (0.02) ***
Appropriations	-2.37 (0.27) ***	-1.20 (0.24) ***	-0.65 (0.27) *	3.90 (0.27) ***
Budget	-2.10 (0.27) ***	-2.43 (0.26) ***	-1.32 (0.27) ***	0.02 (0.24)
House Administration	-0.32 (0.26)	-0.09 (0.21)	-	-
House Rules	2.86 (0.28) ***	-1.52 (0.25) ***	-	-
Senate Rules & Administration	-	-	1.64 (0.33) ***	0.69 (0.23) **
Constant	-0.04 (0.36)	-1.89 (0.31) ***	-1.38 (0.99)	-1.17 (0.38) **
N	314	314	272	272
Pseudo-R ²	0.46	0.42	0.27	0.31

Note: Each column represents a time series cross-section beta regression model. Alternative models with counts as the dependent variables do not yield substantively different results.

p < 0.05; ** p < 0.01; *** p < 0.001

Second, as seen in chapter 1, laments about partisanship predate any decline in the number of substantive laws enacted; rather, the story is one of a shift in committee activity away from legislation and towards non-legislative policymaking. As this chapter has showed, partisanship is not the main explanation for even those trends. Across two chambers, two different types of committee legislative activity, and four different measures of partisanship, the relationship between committee policymaking and partisanship is weak at best.

Despite the lack of consistent evidence, I caution against concluding that partisanship by itself has no effect on committee activity. Other ways partisanship might (and likely do) influence committee policymaking are through the content of legislation and tenor of oversight coming out of a committee, and potentially its choice of issues to address. This chapter also has considered partisanship as an environmental constraint on committee activity; examining partisanship *within* a committee is another possible area in which to search for its effects. I also have been careful to note that partisanship within Congress or even the House or Senate specifically has not seemed to *directly* influence committee policymaking. In the next chapter I show that the congressional parties have become stronger over time and in so doing have imbued party leaders with more legislative authority and determining whether and which committees are responsible for setting the agenda and shaping outcomes. As that authority has shifted away from committees, they find themselves with fewer incentives to spend time competing for it and so spend more time conducting oversight.

Chapter 4: Centralization in Congress and Shifts in Legislative Authority

As we saw in previous chapter, partisanship writ large cannot directly explain the shift away from legislative activity by congressional committees no matter how partisanship is measured. Such limited results do not mean, however, that congressional parties are irrelevant to the shift in committee policymaking towards oversight. In this chapter I show that it is specifically the centralization of agenda setting by party leaders that has led to a shift in the contours and availability of legislative authority, which in turn has altered how committees compete with one another for that authority to make policy.

The chapter begins with a brief recapitulation of legislative authority as a concept and how it drives committee decisions about how to make policy, then describes changes to the legislative process over the past 35 years and how they affect committee legislative authority. I focus on two rules changes in particular, one in each chamber: in the House, a 1995 alteration of the rules governing bill referral; in the Senate, the increase in cloture motions and floor fights over filibusters. I then provide empirical tests of my hypotheses and discuss the substantive effects of these changes to congressional rules and practice. Specifically, the House rules change has decreased incentives for committees to legislate, while an increase in filibuster fights on the Senate floor have driven both Senate *and* House committees towards non-legislative activities.

LEGISLATIVE AUTHORITY IN CONGRESS AND CENTRALIZATION

Legislatures face a number of issues that require their attention, and a committee system can alleviate the demands on the legislature's agenda by devoting attention to

multiple issues at once (Adler and Wilkerson 2012; Cooper 1970; Krehbiel 1991; McConachie 1898). Committees are explicitly given a jurisdiction which imbues that committee with policymaking authority: the ability to act or not act on an issue or set of issues. Legislative authority allows a committee to decide between action and inaction, and among different types of action; this includes gatekeeping authority and veto power over proposals in its jurisdiction (subject to majoritarian considerations and procedures such as the discharge petition that allow members to remove bills from committee and bring them to the floor).

Decision making authority in legislatures like the U.S. Congress is the ability to make policy-relevant decisions for oneself. For committees, this means being able to decide what issues to pursue and how to pursue them, whether through legislation or non-legislative activities. Committees are driven not only by what authority they currently have, but what authority might be gained or lost in the future. Spending time and effort a bill makes it more likely that a committee will be put in charge of floor debate and conference committee proceedings (Bawn 1996). Holding hearings on a given issue confers some validity to future jurisdictional claims (King 1997; Talbert, et al. 1995), which in turn gives that committee policymaking authority over a larger set of issues. Even if a committee wants to make policy through oversight of the executive branch, the ability to potentially follow up on such action with legislation—that is, the authority to do so—strengthens the signal that oversight sends to agencies about how to make policy (Aberbach 1990). It is specifically the prospect of *legislative* authority, then, that fosters competition among committees for issue jurisdiction and legislative agenda space. Authority does not only

refer to the ability to make policy, but also to the ability to decide *not* to make policy through gatekeeping, lack of attention, or other means.

Once conferred, legislative authority is sticky; that is, one committee's action does not necessarily take authority away from another, but rather creates additional competition for authority. Committees do not lose jurisdiction over an issue unless the House or Senate changes its rules specifying those jurisdictions. One committee chair may write a waiver letter to another ceding jurisdiction over a bill, but such a letter only applies to that specific bill; the chair is not waiving jurisdiction absolutely (Baughman 2006). At the same time, the opportunities for committees to compete for, gain, or hold onto their legislative authority change over time, which in turn changes their decisions about how to incur and try to recoup the opportunity costs that come with making policy.

The mid-20th Century saw the beginning of a shift away from what we know as the “Textbook Congress,” wherein committees acted as “Congress at work” and held a high degree of policymaking authority within their jurisdictions. The U.S. political system had changed dramatically in the preceding decades, including an increase in government activity after World War II described in more detail in the next chapter and an explosion in interest group activity. The U.S. Congress faced an increasing number of policy and political demands and found itself struggling to keep pace with an executive branch that was rapidly developing policy expertise and technological capacity. At the same time, the electorate was changing and newer legislators were growing frustrated by their inability to respond to their constituents and institutional demands as they saw fit (Dodd and Schott 1979; Sinclair 1989).

Congress initially responded to these changes with both centralization and decentralization. Changes within the institution and particularly within the Democratic Caucuses empowered both party leaders and subcommittees at the expense of largely older, more conservative committee chairs. Norms of deference declined and rank-and-file members began exercising their institutional prerogatives to a greater degree (Davidson and Oleszek 1977; Galloway 1953; Smith and Deering 1990; Sinclair 1989). Members of both parties endowed party leaders with greater responsibility for coordinating the legislative process as the two parties became more internally homogeneous and were more apt to agree on *how* such control should be exercised and as Congress's issue environment grew beyond the institution's ability to comprehensively address emerging policy problems (Dodd [1981] 2012, Rohde 1991; Smith 1989; Sundquist 1981). To say that Congress is more centralized today than it was in the 1970s is not to say that committees have abdicated all agenda-setting responsibility; committee leaders in particular remain involved in advancing issues and doing the actual work of writing bills. Yet party leaders today inarguably are more involved in negotiating legislative deals and determining the lines of legislative authority than they were in the "Textbook Congress." Such centralization is important because it alters the incentives for committees to compete with one another to process and prioritize information for congressional action.

In their theory of authority allocation within organizations, Aghion and Tirole (1997) make an important distinction between *formal* and *real* authority. The former refers to the right to decide, while the latter is the effective control over organization decisions. Centralized, leader-driven agenda setting has not necessarily eliminated formal committee

authority; committees still exercise jurisdiction over legislation and can organize hearings independent of the party leadership. Yet as party leaders become more directly involved in the legislative process, they diminish committees' real authority over the institution's policy decisions, and in so doing alter committee incentives to compete for information and agenda space. Increased party leader involvement can be seen throughout the legislative process, but several changes stand out for their potential influence over committee decisions about whether to pursue legislation. The next section describes two changes to congressional rules, one in the House and one in the Senate, and one change to congressional practice that have altered the lines of formal and real legislative authority for party leaders and committees and in so doing have reduced the incentives for committees to compete for legislative authority.

SHIFTS IN LEGISLATIVE AUTHORITY: A TALE OF TWO CHAMBERS

The first relevant leader-driven process is the referral of legislation to multiple committees, which began in the 1970s and allows leaders to coordinate committee activity. In the U.S. Congress, the large majority of bills are referred to one committee and only one committee, and so committees easily retain legislative authority over the issues those bills would address. In 1975, the U.S. House of Representatives instituted a multiple referral system whereby some bills are sent to more than one committee. Senate leaders also may refer bills to multiple committees, though they do so at a lower rate, which reflects the lower priority given to committee specialization in the upper chamber (Davidson 1989).

The multiple referral system arose in response to several factors. First, when only one committee has authority over a particular bill it possesses inordinate gatekeeping

power and thus control over the broader institution's agenda that requires effort, time, and other resources by other committees and legislators to overcome. Second, not every issue fits neatly into a given jurisdictional arrangement, and this can be particularly true of issues that emerge on the legislature's agenda after the committee system is established and jurisdictions are set. Rep. Jonathan Bingham (D-N.Y.) asserted in 1973 that, “one of the major deficiencies in the House rules is the lack of any regular procedure to provide for those cases where parts of the bill fall within the jurisdiction of more than one committee” (quoted in Davidson, et al. 1988, 5). The lack of certainty about how to refer legislation is particularly true of new and emerging issues that lack a record of committee hearings devoted to defining them. As one congressional staff director put it a few decades ago, “who has ‘expertise’ on competitiveness? People don't even know what the problem is” (King 1997, 112).

Multiply-referred bills quickly became a larger part of the House's legislative workload (Davidson, et al. 1988) and introduced a series of new trade-offs into the legislative process and committee competition for jurisdiction and policymaking authority. Referring bills to multiple committees encourages inter-committee communication and cooperation as committees now can let their competitors bear many of the transaction costs associated with legislative action (Baughman 2006). But as Bawn (1996, 254-5) writes:

Multiple referral does not inevitably strip a committee of gate-keeping power. Rather, it forces a committee to take costly action to gain the veto power obtained costlessly with single referral...multiple referral is, however, good for channeling extraordinary influence to the committee with the most at stake.

That is, the multiple referral process encourages committees to compete with one another to define policy problems, conduct oversight, and decide whether to legislate on issues within their jurisdictions.

Consider a bill introduced in the U.S. House that would create new workplace safety regulations and reporting requirements for businesses. Given the subject matter, the bill might be referred to both the Education and the Workforce Committee and the Small Business Committee, the latter of which might seek laxer requirements or provide funding assistance for smaller businesses affected by the proposed law. When legislation is referred to multiple committees, each of those committees is uncertain about which of them will have authority and responsibility for shepherding the bill through the legislative process (Collie and Cooper 1989). The bill text that reaches the floor and potentially passes would depend on inter-committee interactions and determines future jurisdiction allocations, decisions about who oversees floor debate, and conference committee appointments (Bawn 1996; Deering 1982; King 1997).

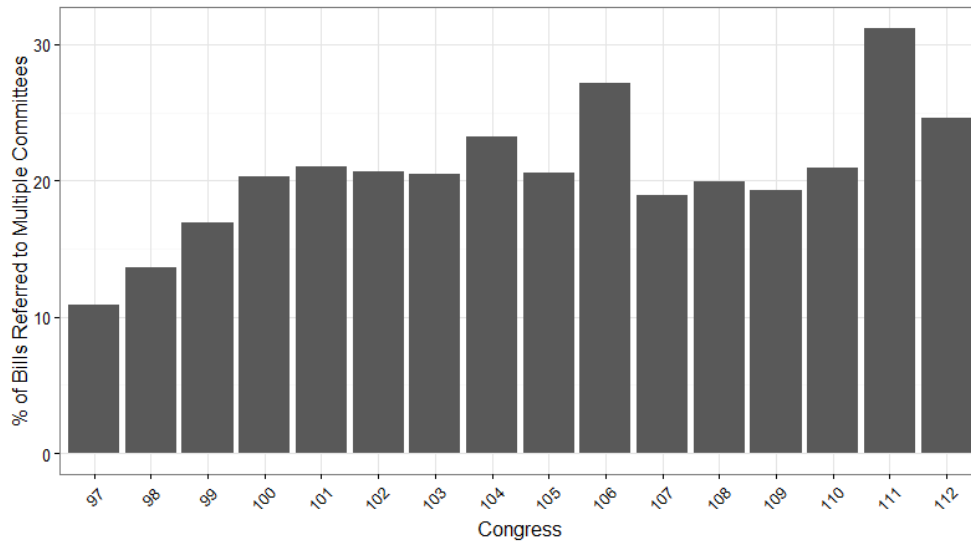
The two committees could cooperate and influence these determinations themselves (Baughman 2006), but if not then they might hold competing hearings that attempt to demonstrate (or develop) their issue expertise and lay the groundwork for their respective preferred positions. If the two committees compete, then majority party leaders must step in and arbitrate between the competing claims of authority (Davidson, et al. 1988; Davidson and Oleszek 1992), which includes bargaining over gatekeeping and legislative outcomes (Patty 2007). For these reasons, multiple referrals “have revolutionized committee consideration of complex bills and resolutions, [and] form a cornerstone of the

party leaders' enhanced role in managing legislative business” (Davidson 1989, 376-7).

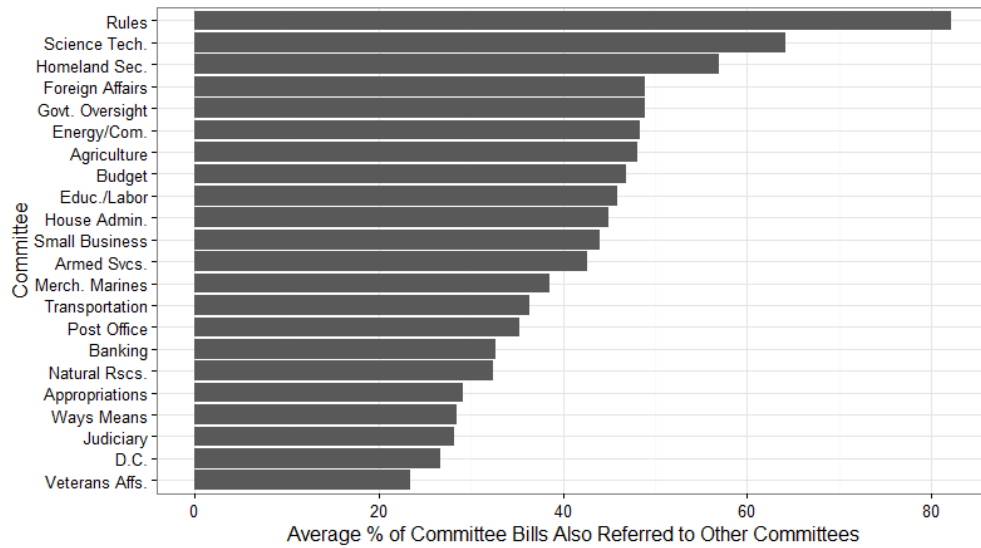
Over time (see figure 4-1).

Figure 4-1. Multiple Referrals in the House of Representatives

Panel A: Multiple Referrals Across Time



Panel B: Multiple Referrals by Committee



Source: Congressional Bills Project, calculated by the author

When the House instituted its multiple referral system in 1975, it created several different types: joint referral, the most common of these, whereby two or more committees receive a bill at the same time; split referral, whereby different committees are given responsibility over different parts of the same bill; and sequential referral, whereby two or more committees receive a bill in succession. The House later adopted a rule that allowed the Speaker of the House to impose time limits on the first committee to which a bill was referred.

Congress found its committee system once again fragmenting with the changing issue environment of the 1980s, and in response the House of Representatives overhauled its rules in 1993 and again in 1995. These changes included first restricting the number of subcommittees that most committees could organize and the total number of assignments a member could hold, and later eliminating several committees entirely. Most relevant for the current discussion, after Republicans won a majority of seats in the 1994 election, Newt Gingrich and other party leaders brought with them a cohesive agenda on which they wanted to act quickly, and they saw a fragmented committee system as a possible hindrance to doing so. As Sinclair (2007, 14) writes, “When the Republicans first took the majority, committee chairs were under intense pressure from the party leadership and the membership to not allow turf fights to interfere with passing bills on the Republican agenda.”

To combat this inertia (brought on in part by competition for jurisdiction and legislative authority) and reduce demand for post-referral coordination, the Republican majority changed the House Rules to streamline the bill referral process and instruct House

speakers to designate a committee of primary referral. That is to say, since 1995, when a bill is referred to multiple committees, one of those committees is put “in charge” of that bill and decides whether or not to act on it.⁹ Research on legislative committees and multiple referrals largely was published before the shift to a primary referral system, and so the rules change’s implications for committee work—including committees’ decisions about whether to legislate, cooperate over legislative outcomes, and compete for jurisdiction and legislative authority—have not fully been explored. But in laying out how multiple referrals fostered incentives to compete for legislative jurisdiction and authority, this literature suggests that designating a “primary” committee establishes that authority from the outset and thus reduce incentives for committee legislative activity.

As seen in Figure 4-1, the percentage of bills referred to multiple committees did not change after 1994; on average about 76 percent of bills in the U.S. House of Representatives are referred to only one committee, even after the “primary” referral process was instituted. Nevertheless, by designating a primary committee, the Speaker of the House (along with the Parliamentarian) determines which committee will have functional responsibility for providing the bill that reaches the floor calendar, managing debate, and potentially engaging in inter-chamber negotiation over the final legislative product. Rather than legislative responsibility and authority be driven by interactions among committees, centralizing agenda setting has allowed party leaders to make that determination at the beginning of the process. For the “primary” committees, the speaker

⁹ A 2003 rules change has allowed the speaker to designate more than one primary committee in “extraordinary” circumstances.

already has given the committee of primary referral a low-cost, credible means of claiming authority for that bill, and so those committees may not need to spend as much time and effort claiming legislative authority through hearings.

Any other committee that received the same bill faces a choice of whether to accept the referral decision and privately cooperate with the primary committee in amending (or deciding not to amend) that bill while investing time, effort, and other resources into other policymaking activities. For a “secondary committee,” going along with the primary committee's preferred bill also means potentially ceding some claims to real legislative authority on future legislation. Alternatively, the secondary committee(s) could choose to incur opportunity costs by holding hearings and attempting to gain or retain real legislative authority, even as those efforts are unlikely to bear fruit; the declaration of which committee is primary for that bill has already occurred. I thus hypothesize that House committees with more multiply-referred bills in their jurisdiction will spend less time on legislation relative to oversight after the 1995 rules change.

Primary Referral Hypothesis: *House committees with more multiply-referred bills in their jurisdictions will conduct less legislative activity after 1995.*

The second set of changes to the legislative process have influenced Senate obstruction and agenda space. One of the features that distinguishes the Senate from the House of Representatives is that debate rules in the upper chamber lack a provision that allows senators to “move the previous question”—end debate and immediately vote on the pending issue. So long as one senator does not yield the floor, she can talk for as long as

she wants about any subject, whether it is relevant to the legislation pending on the calendar or not. Similarly, an individual senator can place a “hold” on a pending bill or nomination that prevents it from being considered on the floor. These features give individual rank-and-file senators more power than similarly situated colleagues in the House. This power that individual senators hold has typically been thought to come at the expense of both committees and party leaders (Sinclair 1989).

In 1917, senators adopted a rule (Rule 22) that would provide a means for ending filibusters. A senator must file a motion to invoke cloture (co-signed by at least 15 colleagues). If agreed to, debate continues for a prescribed period of time before the Senate votes on the pending question. The time spent on filibusters and holds pushes items off of the floor agenda and create opportunity costs for chamber consideration, which in turn creates uncertainty for committees about whether their bills will reach the floor at all and so recoup some of the opportunity costs of making policy through legislation rather than oversight (Binder and Smith 1996; Koger 2010; Wawro and Schickler 2006). In 2015, for example, a floor fight over a bill to combat human trafficking delayed action on Loretta Lynch’s nomination to be attorney general (Everett 2015). Senate filibusters historically have been a costly form of obstruction since they require sustained opposition, but over time the Senate has repeatedly moved to lower these costs by reducing both the threshold of support needed to invoke cloture and the number of “post-cloture” hours before a vote could be held.

The first attempt to reduce the cost of filibustering came in 1964 following extensive filibusters of the Civil Rights Act, when Senate Majority leader Mike Mansfield

(D-Mont.) and Majority Whip Robert Byrd (D-W.Va.) created a “two-track” system for debating legislation. Prior to this, Mansfield had first cleared other “must-pass” legislation from the Senate’s agenda in anticipation of a long debate over civil rights when other work would not be able to occur. Under the two-track system, a filibuster on a bill or nomination could continue while the Senate moved on to consider other business (Koger 2010). While this system allows other legislation to move forward, it also places less of a burden on the filibustering senator because they are not obstructing other business in addition to the bill or nomination they oppose.

Initially, two-thirds of voting senators needed to vote in favor of invoking cloture in order for a filibuster to end and debate to proceed, and there was no time limit specified for when to move to a vote once cloture had been invoked; that is, post-cloture debate time still was unlimited, in essence maintaining the filibuster even when two-thirds of the Senate agreed that it should end. In 1975, the Senate voted to require a three-fifths (60) vote threshold to invoke cloture on measures that would not amend Senate Rules. Post-cloture debate time still was unrestricted, and a senator could call up any amendment filed before cloture had been invoked, which created *de facto* filibuster opportunities even after the Senate had voted to end debate. Senators voted in 1979 to limit post-cloture debate time to 100 hours. Doing so had little effect, because the threat to delay action for 100 additional hours was akin to a threat to delay indefinitely (Sinclair 1989).

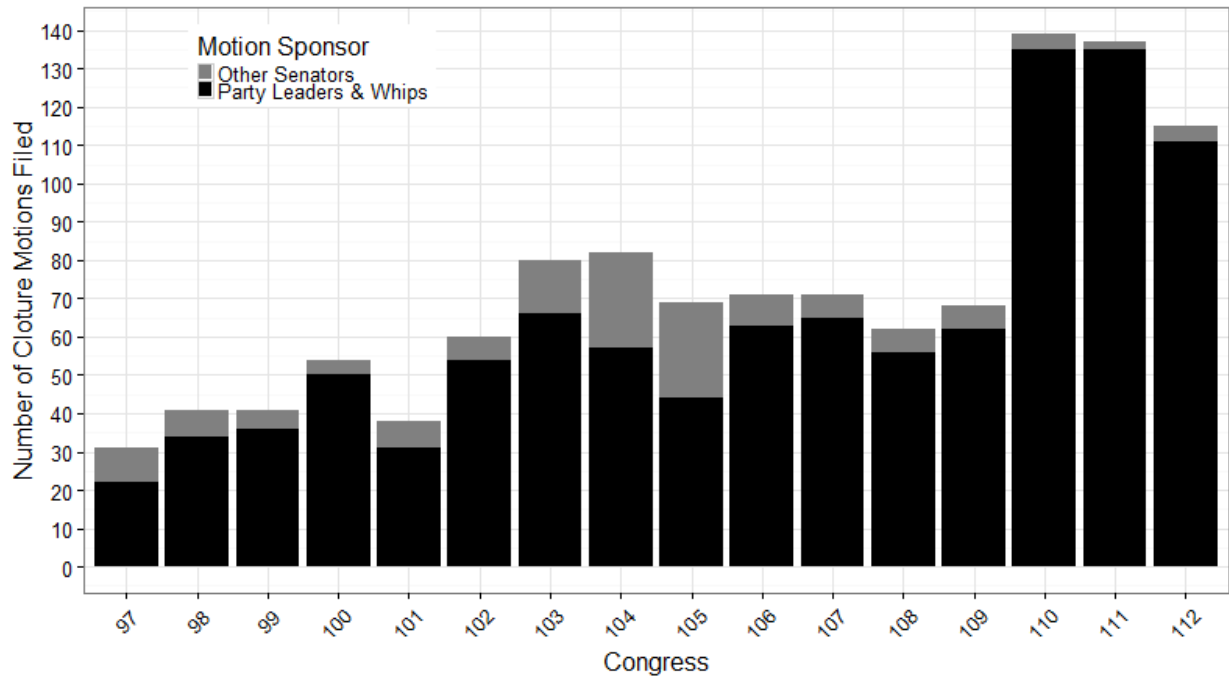
With C-SPAN about to extend live television coverage to Senate floor proceedings, senators voted in 1986 to reduce post-cloture debate time to 30 hours. This change reduces the amount of time spent on any one filibustered bill or nomination by about one-third (or

more), but in doing so it essentially allows three filibuster efforts to take the place of one. While cloture filings do not directly measure filibusters and holds, they at least signal floor fights that take up floor time and space that could be devoted to other matters (CRS 2013). By reducing the burden of post-cloture obstruction and debate, the Senate in essence made filibustering “cheaper.” As more cloture petitions have been filed over time to counteract the increased obstruction, the chamber's legislative agenda has become even more restricted, which reduces committee incentives to undertake legislative activity.

The increased incidence of filibusters and of cloture motions to overcome them is additionally notable because these efforts to end filibusters often are driven by party leaders. the majority and minority leaders and the party whips, even as cloture motions have risen dramatically over time, from about 30 in 1981-1982 to more than double that beginning in the 1990s (103rd Congress) and between 110 and 140 from the 110th through 112th Congresses (2007-2012; 253 cloture motions were filed in 2013-2014) (see figure 4-2). All but a handful of these cloture motions were filed by party leadership; the exception came from 1995 to 1998 (the 104th and 105th Congresses), when about one-third of cloture motions were filed by committee leaders and rank-and-file senators.¹⁰

¹⁰ It is doubtful that these anomalies are due to the particular styles of the party leaders at the time. The same leadership teams in place during the 104th Congress also were party leaders in the 103rd Congress, when 17 percent of cloture motions were filed by non-leaders; likewise, the party leadership teams of the 105th Congress carried over to the 106th, when non-party leaders filed just 11 percent of the 71 cloture motions.

Figure 4-2. Senate Cloture Motions And Majority Party Leader Involvement



Source: Senate.gov, calculated by the author.

Whereas filing a cloture motion signals to exert costly time, effort, and attention that could be spent on other matters, a party leader relieves a committee member of that burden when he files them and controls the debate time himself. Party leaders already communicate with each other about the floor schedule in the course of their regular duties and so find it easier to coordinate action. On the one hand this frees up committee leaders to do other things and eliminates an additional source of opportunity costs on their time. On the other, lowering the cost of obstruction (and fighting obstruction) by shifting the costs to party leaders allows those floor fights to become regularized. It is then not a single filibuster and floor fight that pushes other items off the schedule, as with the 1964 Civil

Rights Act, but the multiplicity of that creates uncertainty for committees. Centralizing floor fights within the party leadership additionally shifts some of the sources of Senate committee legislative authority, including managing debate and shaping a bill by negotiating which amendments will be accepted. I thus hypothesize that Senate committees will shift their policymaking away from legislation and towards oversight as more cloture motions are filed and more leadership-driven floor fights ensue.

Senate Cloture Hypothesis: *Senate committees will conduct less legislative activity as more cloture motions are filed.*

Filibusters and cloture motions also may increase uncertainty for House committees by leaving less agenda space for House bills or for Senate companions that might otherwise result in bicameral negotiations and enactments. I therefore hypothesize that House committees also will shift their activity towards oversight as they see more Senate cloture motions and floor fights.

House Cloture Hypothesis: *House committees will conduct less legislative activity as more cloture motions are filed.*

The next section tests the three hypotheses laid out above.

Data/Analysis

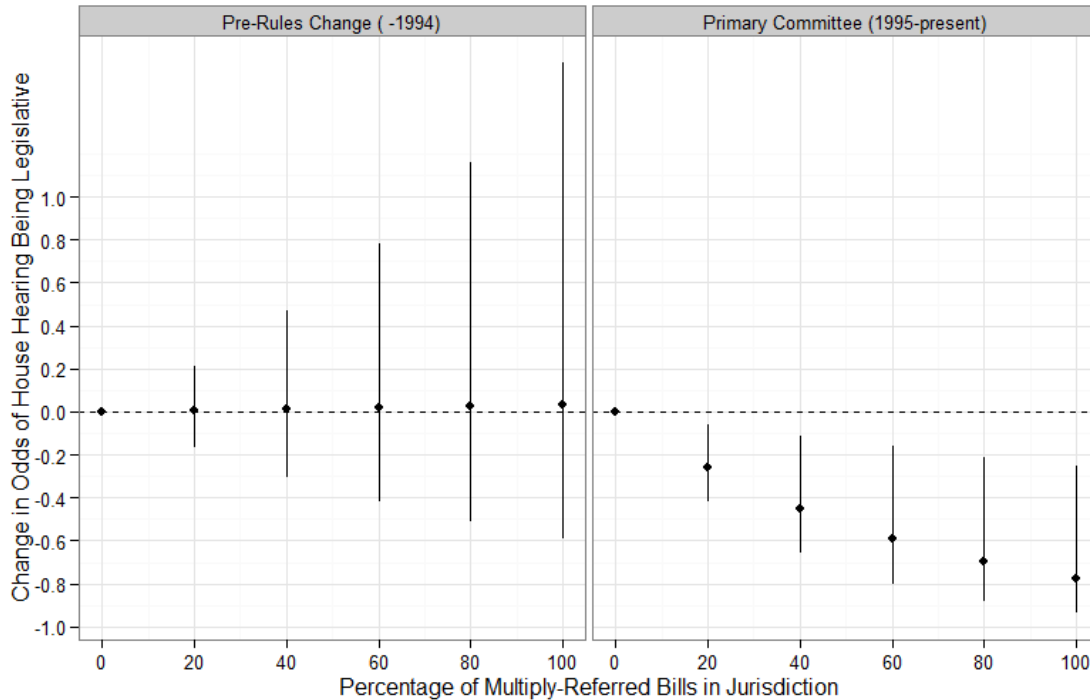
Shifts in the contours and availability of legislative authority, I argue, have led to shifts in committee activity away from legislation in two ways: through a change to the House rules governing legislation referred to multiple committees and in the rise in Senate filibusters and particularly (leader-driven) efforts to overcome these filibusters through cloture motions. In order to test the specific hypotheses laid out in the previous section I use the same dependent variables seen in the previous chapter. I test the Multiple Referral

Hypothesis with a measure of the percentage of bills referred to a given committee that also were referred to some other committee, interacted with an indicator variable that takes the value 0 for congresses prior to the 1995 rules change and 1 for congresses subsequent to the rules change. I test the two Cloture Motion hypotheses with a count of the cloture motions filed in the previous congress to avoid muddling temporal causality. The models again include a time trend counter and fixed effects for the appropriations, budget, rules, and chamber administration committees, and they control for based on the previous chapter's findings.

The results confirm that shifts in legislative authority and specifically centralization by party leaders that have shifted committee activity away from legislation and towards oversight. The Multiple Referral Hypothesis is confirmed for House hearings, where the multiple referral percentage post-rules change interaction term is statistically significant and negative. This finding indicates that committees that face more multiply-referred bills have been less likely to hold legislative hearings and make claims to responsibility for moving forward on those bills since the House of Representatives changed its rules in 1995 to let the speaker designate a committee of primary referral (see table 4-1). Substantively, for every increase of percentage point in the volume of bills in a committee jurisdictions that also are referred elsewhere, the odds of one of that committee's hearings being legislative decrease by about two percent; when that committee makes policy, it is less likely to do so through legislation. Most of the committees during this time period had between 20 and 60 percent of their bills also referred elsewhere, meaning the odds of those

committees making policy through legislation after 1995 as much as halved or even dropped near zero (see figure 4-3).

Figure 4-3. Effects of Switch to “Primary Referral” System on Committee Hearings



Both the Senate Cloture and House Cloture hypotheses also are confirmed, again specifically for legislative hearings. Interestingly, each additional Senate cloture motion filed in the previous congress decreases the odds that a hearing will be legislative by about one percent in both the Senate and the House (see table 4-1). And as illustrated in Figure 4-2, over time these decreases have rapidly accumulated as cloture motions have skyrocketed. Floor fights and the ensuing restrictions on agenda space in the Senate also

create uncertainty for committees in the lower chamber, who have responded by devoting more time and resources to non-legislative activities.

Finally, the two partisanship variables carried over from the previous chapter do not result in statistically significant coefficient estimates here. When controlling for shifts in legislative authority and uncertainty created by more Senate floor fights, what direct effects of partisanship may have existed lose their explanatory weight. To the extent that the shift in committee policymaking is a party-driven story, it is one being told through the centralization of agenda setting rather than direct measures like polarization, divided government, or gridlock.

CONCLUSION

The previous chapter showed that partisanship alone cannot explain the shift in congressional committee activity away from legislation and towards oversight that we have seen over the past 30 years. This chapter has shown that stronger parties are still part of the story of Congress's shift towards oversight since the 1980s. Specifically, the centralization of agenda setting responsibility and authority to party leaders over time has created more uncertainty in the Senate and fewer incentives in the House for committees to stake their claim to such authority by holding legislative hearings or by marking up and reporting bills out to the floor. Such a finding has important implications for those who would overhaul congressional operations and try to foster an environment where committee legislative work is once again prized; chapter 6 picks up this theme.

Table 4-1. Changes to Legislative Authority and Congressional Committee Policymaking

<i>Indep. Variables</i>	House		Senate	
	<i>Leg. Hearings</i>	<i>Reported Bills</i>	<i>Leg. Hearings</i>	<i>Reported Bills</i>
<i>Leg. Authority</i>				
Mult. Ref. × Post-1995	-0.01 (0.006) *	-0.004 (0.005)	-	-
Mult. Ref. Perc.	0.0003 (0.005)	0.01 (0.004)	-	-
Post-1995 Indicator	0.91 (0.55)	-0.15 (0.47)	-	-
Cloture Motions	-0.01 (0.003) **	-0.0004 (0.003)	-0.02 (0.004) ***	-0.01 (0.004)
<i>Partisanship</i>				
Divided Chambers	-0.16 (0.16)	-0.24 (0.14)	-0.14 (0.15)	-0.11 (0.14)
Polarization	-4.89 (5.46)	5.86 (4.68)	21.35 (4.63) ***	-3.03 (4.16)
<i>Controls</i>				
Time Trend	-0.08 (0.17)	-0.26 (0.14)	-0.50 (0.09) ***	-0.01 (0.08)
Appropriations	-2.62 (0.27) ***	-1.11 (0.25) ***	-0.60 (0.27) *	3.93 (0.27) ***
Budget	-2.03 (0.28) ***	-2.38 (0.27) ***	-1.23 (0.27) ***	0.07 (0.24)
House Administration	-0.14 (0.25)	-0.12 (0.21)	-	-
House Rules	2.95 (0.31) ***	-1.69 (0.28) ***	-	-
Senate Rules & Administration	-	-	1.64 (0.32) ***	0.68 (0.23) **

Table 4-1 (continued).

Constant	2.60 (2.70)	-4.67 (2.32) *	-10.53 (2.35) ***	1.25 (2.11)
N	314	314	272	272
Pseudo-R ²	0.48	0.44	0.31	0.32

Note: Each column represents a time series cross-section beta regression model. Alternative models with counts as the dependent variables do not yield substantively different results.

p < 0.05; ** p < 0.01; *** p < 0.001

As chapter 1 showed, documenting the shift away from legislation and towards oversight is critical to understanding changes in congressional policymaking since the 1980s. Thus far I have discussed only what might affect the legislative side of the committee ledger: incentives for and uncertainty about whether legislation will reach the floor and cement a committee's policymaking authority. The next chapter takes up the oversight side of the equation. Specifically, in addition to shifts in legislative authority, committees have responded to a demand for oversight from both developments in the executive branch after World War II and the legislative branch's own actions, or rather inactions

Chapter 5: Demand for Committee Oversight

Congressional committees are spending less time on legislation and more time overseeing executive branch activity making policy through oversight. The previous two chapters have considered whether this shift is the result of increased uncertainty and changes in committee incentives to legislate. The evidence in chapter 4 specifically points to shifts in legislative authority resulting from rules changes in the House and Senate. As the party leaders have centralized agenda setting in both chambers, the committees have responded by shifting their focus to oversight.

Congressional debate over “net neutrality” rules for internet usage highlight the tradeoff committees face when deciding whether to make policy through legislative or non-legislative means. Net neutrality is the idea that all types of data available on the internet should be treated equally and so internet service providers (ISPs) should not charge users based on the type of data they access and download such as streaming video nor limit download and upload speeds for some streaming and file sharing services (and charge content providers for faster speeds). Such practices were not regulated until the Obama administration. The Federal Communications Commission in 2014 proposed a draft rule that would allow ISPs to create “fast lanes” and “slow lanes” for broadband access (Wyatt 2014). The following year, following President Obama’s recommendation, the FCC reversed course and reclassified broadband internet as a “common carrier” telecommunication service—that is, as a public utility—thereby fostering net neutrality.

Republicans largely opposed the FCC's move, and in 2017, following President Trump's election and thus unified control of Congress and the White House, congressional Republicans have debated exactly how they should try to reverse the FCC's ruling. Senators John Thune (R-S.D.) who chairs the Commerce, Science, and Transportation Committee, and Roger Wicker (R-Miss.), who chairs that committee's Communications, Technology, Innovation and the Internet Subcommittee, have introduced legislation that would allow Congress to limit the FCC's authority to regulate broadband internet access. Others, such as House Republican Marsha Blackburn (R-Tenn.), who chairs the Energy and Commerce Communications and Technology Subcommittee, want the newly Republican-led FCC to change their net neutrality decision through rulemaking (Breland 2017).

Blackburn's preferred strategy is only possible because the FCC was active in issuing telecommunications and, even more fundamentally, because we have an FCC at all. The federal government grew dramatically in both size and scope following World War II, which some scholars have argued created demand for greater congressional oversight. In this chapter I examine whether the committee shifts towards non-legislative policymaking documented in this dissertation result not only from fewer incentives to legislative, as shown in chapter 4, but from more incentives to conduct oversight. The first section discusses the explosion in federal government activity from the late 1940s through the early 1980s as one potential source of oversight demand. The second section discusses another potential source of demand: Congress itself. The section describes how breakdowns in the federal budget process intensify committee competition to define

executive branch agency attention and thus policymaking authority, which creates more incentives for committees to make policy through oversight. I then test my hypotheses about oversight demand empirically and discuss the substantive effects. I ultimately find limited support for oversight demand driving committee shifts in activity, and the chapter concludes with a brief discussion of why increased demand for oversight has not corresponded with greater supply.

GROWTH IN GOVERNMENT

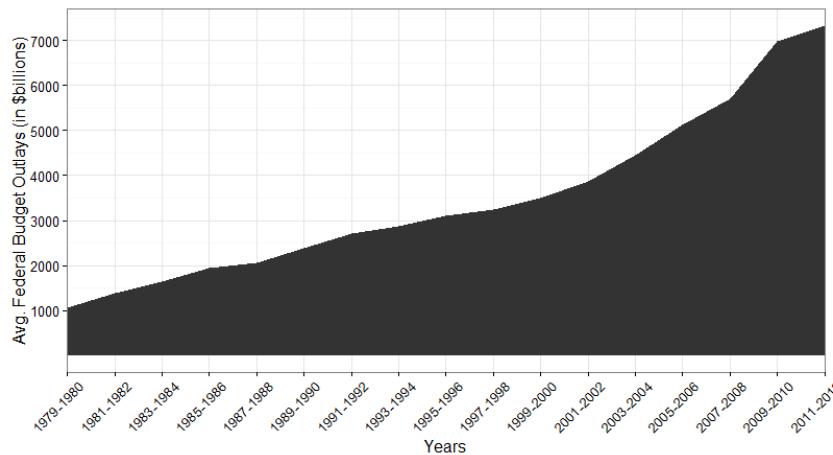
In *The Politics of Information* (2015), Frank Baumgartner and Bryan Jones describe what they call the Great New-Issue Expansion. The U.S. government became both thicker, more involved in the issues to which it already devoted attention, and broader, involved in a greater number of issues, in the decades following World War II. This expansion peaked in the late 1970s, and was followed by a contraction in some areas.

Spending levels (outlays) help illustrate just how much the federal government continues to grow in both size and scope. Former Senate Minority Leader Everett Dirksen (R-Ill.) often is credited with saying, “a billion here, a billion there, pretty soon you’re talking real money” (Dirksen Center 2004). While that statement may be apocryphal, federal budget outlays have grown by hundreds of billions of dollars and into the trillions over the past 35 years, from just over one trillion dollars spent over the 1979-1980 congress to more than seven trillion dollars combined in 2011 and 2012 (see figure 5-1, see panel A). Bureaucratic rulemaking, measured through the number of pages published in the *Federal Register*, increased from around 100,000 pages published in 1985 and 1986 to over

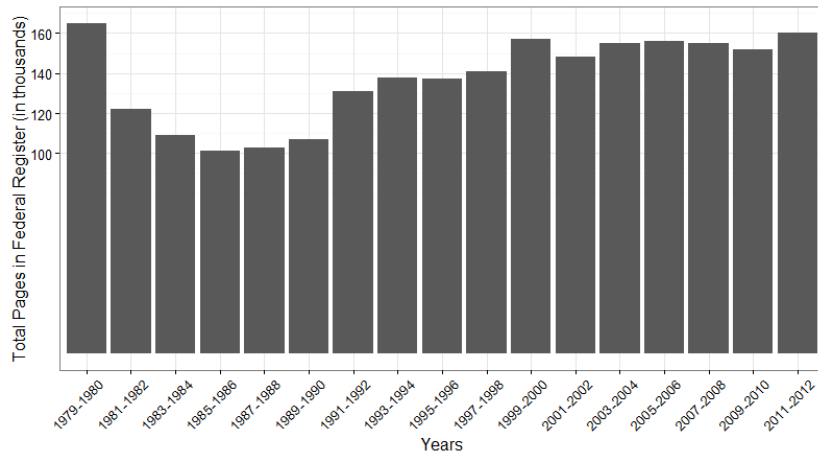
150,000 pages in 1999 and 2000, and has held relatively steadily over the past decade and a half (see figure 5-1, panel B).¹¹

Figure 5-1. Growth in Federal Executive Branch Size and Scope

Panel A: Budget Outlays



Panel B: Bureaucratic Rulemaking



Source: *Vital Statistics on Congress*, calculated by the author

¹¹ The *Federal Register* is “the daily journal of the United States government” that publishes agency notices and proposed and final rules (<http://www.federalregister.gov>)

As executive branch activity grew, so did public skepticism of government-driven solutions to policy problems along with the number of interest groups lobbying for government attention (Aberbach and Rockman 1988; Baumgartner and Jones 2015; Gais, et al. 1984). A larger interest group environment helps members of Congress monitor bureaucratic policymaking by raising attention to issues their constituents care about (Aberbach and Rockman 1978; McCubbins and Schwartz 1984), and a larger bureaucracy provides committees and their members with more opportunities to claim credit for benefits conferred on their constituents (Fiorina 1977).

Congressional oversight scholar Joel Aberbach (1990, 201) states that, “Congress responds to changes in its environment. When there are changes in the relative payoffs of different types of behavior, and when resources change, Congress reacts.” According to this view, then, the political system’s changing needs have made oversight more attractive for satisfying legislator goals, and thus produced the shift in congressional committee activity towards non-legislative action seen chapter 2 (Ogul and Rockman 1990).

***Growth in Government Hypothesis:** Committees will conduct less legislative activity when the executive branch is larger and more active in making policy.*

CRS, BUREAUCRATIC UNCERTAINTY, AND COMMITTEE COMPETITION

Committees can have several different purposes in mind when they oversee agency policymaking. Oversight is often thought of as directing agencies to do something, to carry out policy in a particular way (Aberbach and Rockman 1988; Epstein and O’Halloran 1994; McCubbins 1985; Moe 1987; Weingast 1984). Oversight carries a second aspect as well: getting agencies to pay attention to particular issues (Workman, et al. 2009; Workman

2015). As a freshman senator, Arlen Specter (R-Pa.) knew he would have difficulties advancing his legislative priorities. With a new Republican majority in the chamber, he was able to chair a Judiciary subcommittee where he held repeated oversight hearings in order to direct the Justice Department's attention to his preferred issues of juvenile justice and recidivism and ultimately obtain bureaucrats' agreement to work with him (Fenno 1991). Agency attention and agenda capacity become more limited at the higher levels; with fewer positions towards the top of an organizational chart—without a division of labor—individual limits on attention become more salient (Hammond 1986; May, et al. 2008). At the Department of Homeland Security, prioritizing terrorism and transportation security came at the expense of attention to disaster relief and recovery (May, et al 2008).

Congressional committee jurisdictions become more complex as the American political system's issue environment becomes more complex. Multiple committees and subcommittees in the same chamber might have jurisdiction over similar sets of issues; previous chapters have discussed how this overlap leads to competition for legislative authority. As committees try to grow their issue jurisdictions, they add the number of federal agencies and offices that fall within their purview. As multiple committees and subcommittees come to have a say over the same federal agency, they compete to define that agency's priorities.

Committee competition to define agency priorities may be increasing as Congress increasingly fails to do so through annual spending bills. The typical congressional budget process involves the enactment of both authorization and appropriations bills, the former of which specifies which programs Congress authorizes the bureaucracy to carry out and

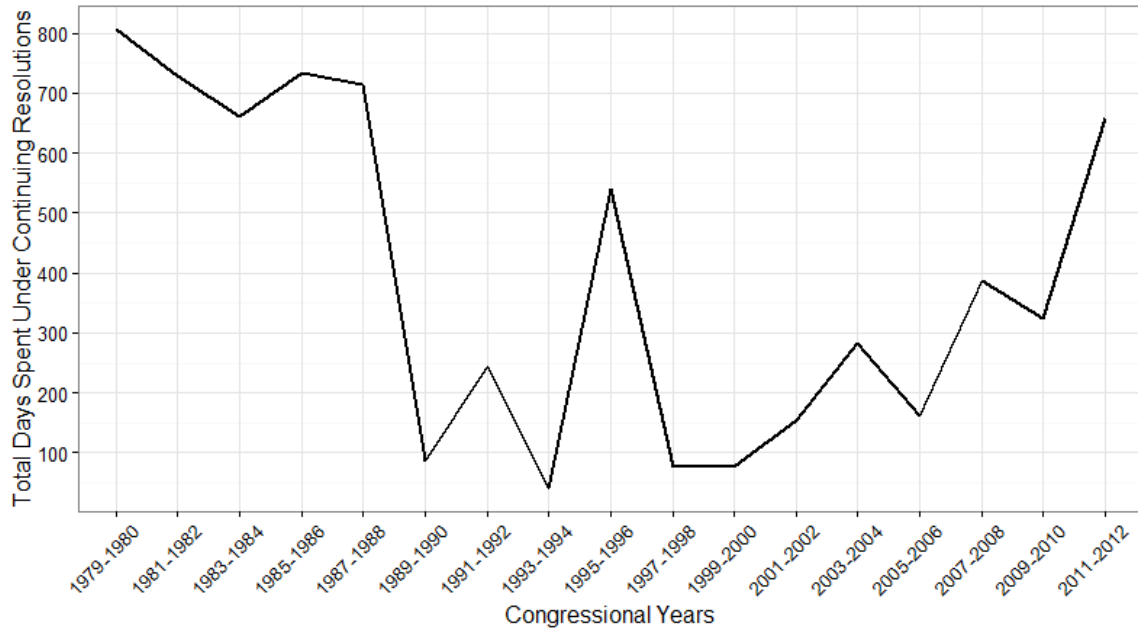
the latter of which funds those programs. Because Congress rarely completes all of its appropriations bills before the start of the fiscal year (CRS 2016), instead it must enact temporary, stopgap legislation called a continuing resolution. Continuing resolutions (CRs) specify a time period during which agencies receive the same level of (pro-rated) funding they received in the last fiscal period. Agencies are prohibited from creating new programs with the money they receive through a CR, though sometimes exceptions are made (CRS 2016). The inability to create new programs is important because priorities change; policies change. An agency responsible for implementing a program may uncover new problems that require new solutions, but cannot adopt that solution. Former Homeland Security Secretary Jeh Johnson put it this way:

When you're on a continuing resolution, it is a little like trying to drive cross-country with no more than five gallons of gas at a time and you don't know when the next gas station is. You can't plan. You can't plan except days and weeks at a time.

Congress has increasingly relied on CRs in recent years as the two parties in Congress have been unable to agree on funding levels and as whichever party is in the majority has become wary of subjecting its members to “tough votes” that may hurt their re-election chances (Hawkings 2014; Marcos and Cox 2015; Sanchez 2014). Agencies spent most of the year governed by CRs in the late 1970s and early 1980s as Congress tried to navigate a changing budget process. The use of CRs dropped dramatically in 1989, from over 700 days under a CR in the previous congress to fewer than 100 days. Aside from the federal government shutdowns in the mid-1990s, agencies had to deal with relatively few CRs for a decade. Beginning in the 2000s, the number of agencies funded by CRs has

increased, first steadily and then dramatically during Barack Obama’s presidency (see figure 5-2).

Figure 5-2. Number of Days Spent Under Stopgap Budgeting



Source: Congressional Research Service 2016, calculated by the author. The number of days spent under a CR in a given congress is calculated based on the fiscal year, and so may be greater than the number of days in two calendar years (each two-year congress includes all or part of three fiscal years).

Writing in *CQ Weekly*, reporter Kerry Young (2012, 2130) explains, “Appropriations bills are the accumulation of thousands of individual items... It’s the purpose behind these line items that often is cast aside when Congress appropriates through a continuing resolution.” Absent congressional direction from appropriations bills, agencies must seek it from the committees that oversee them. The lack of purpose over how to spend money appropriated by CRs opens the door for committees to compete with one another to give agencies their purpose. By fostering uncertainty among agencies about

congressional policy priorities, Congress likely has fostered more competition among committees for agency attention—for decision-making authority within and across jurisdictions—rather than for legislative agenda space.

Continuing Resolution Hypothesis: *Committees will conduct less legislative activity when the federal government spends more time under continuing resolutions.*

DATA AND ANALYSIS

Congressional committees have two options in making policy: through legislation or through some other non-legislative means, for which I have used oversight as an umbrella term. Whereas the previous chapter addressed shifts in legislative authority responsible for the decrease in committee legislative activity since the 1980s, this chapter considers the other side of the equation, specifically potential increases in the demand for committee oversight from a larger and more active executive branch and from Congress's own reliance on short-term continuing resolutions that create uncertainty for agencies. I test the Growth in Government Hypothesis with two measures: the amount of federal budget outlays in a given congress, which measures the size and scope of executive branch activity, and the number of pages printed in the *Federal Register* over the course of a congress, which measures the level of bureaucratic activity. I test the Continuing Resolution Hypothesis with the number of days that the federal government spent funded by CRs in a given congress. All three of these measures are lagged by one congress. The models include the same dependent variables as in previous chapters, the multiple referral and cloture measures, the time trend counter, and the few committee fixed effects. Once again I discuss the results in terms of both statistical significance and substantive effects.

The results provide only limited support for the idea that the shift in committee policymaking has been driven by an increase in demand for oversight. Of the two measures used to test the Growth in Government hypothesis, only the budget outlays coefficient estimates achieve accepted standards of statistical significance, and does so only in the Senate reported bills model (though the estimate is statistically significant at $p < 0.06$ in the House hearings model). The *Federal Register* pages measure approaches statistical significance at $p < 0.10$ in the House bills model. The number of days spent governed by continuing resolutions does not appear to have significantly affected committees' shifts towards making policy through oversight in either the House or Senate (see table 5-1).¹² Many of the legislative authority coefficient estimates remain statistically significant when controlling for the growth in government activity and reliance on continuing resolutions, which speaks to the robustness of this explanation for the shift in committee activity away from legislation.

¹² Using a measure of the total number of CRs enacted in the previous congress does not change the models' substantive results.

Table 5-1. Growth in Government and Demand for Committee Oversight

<i>Indep. Variables</i>	House		Senate	
	<i>Leg. Hearings</i>	<i>Reported Bills</i>	<i>Leg. Hearings</i>	<i>Reported Bills</i>
<i>Growth in Govt.</i>				
Federal Outlays (in \$billions)	-0.0004 (0.0002)	0.0002 (0.0002)	0.0002 (0.0002)	-0.001 (0.0002) ***
<i>Federal Register</i> pages (in thousands)	-0.001 (0.004)	-0.005 (0.003)	-0.005 (0.004)	0.003 (0.003)
No. of days under CR in prev. Cong.	0.0001 (0.0003)	-0.0003 (0.0003)	0.0001 (0.0004)	0.0003 (0.0003)
<i>Leg. Authority</i>				
Mult. Ref. × Post-1995	-0.01 (0.006) *	-0.01 (0.01)	-	-
Mult. Ref. Perc.	0.0001 (0.005)	0.01 (0.004)	-	-
Post-1995 Indicator	0.14 (0.42)	0.67 (0.36)	-	-
Cloture Motions	-0.01 (0.004)	-0.002 (0.004)	-0.01 (0.004) *	-0.002 (0.004)
<i>Controls</i>				
Time Trend	0.09 (0.08)	-0.17 (0.07) *	-0.15 (0.07) *	0.17 (0.06) **
Appropriations	-2.63 (0.27) ***	-1.15 (0.25) ***	-0.56 (0.27) *	3.69 (0.27) ***
Budget	-2.08 (0.28) ***	-2.34 (0.27) ***	-1.35 (0.27) ***	0.15 (0.23)
House Administration	-0.15 (0.25)	-0.13 (0.21)	-	-
House Rules	2.94 (0.31) ***	-1.67 (0.28) ***	-	-
Senate Rules & Admin	-	-	1.59 (0.32) ***	0.67 (0.22) **

Table 5-1 (continued).

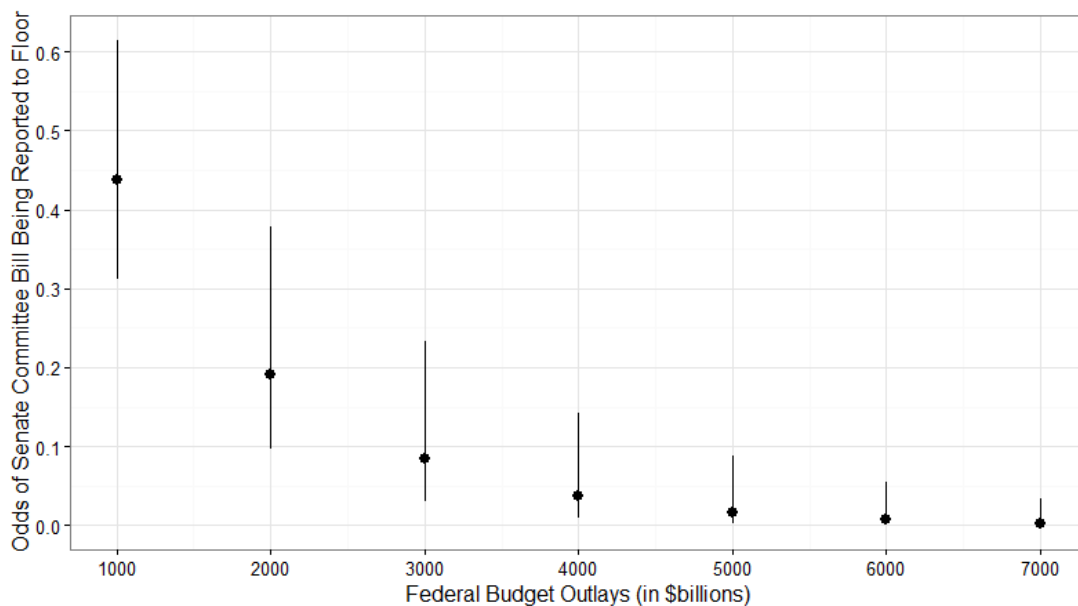
Constant	0.12 (0.53)	-1.03 (0.45) *	0.78 (0.48)	0.69 (0.42)
N	314	314	272	272
Pseudo-R ²	0.47	0.44	0.27	0.37

Note: Each column represents a time series cross-section beta regression model. Alternative models with counts as the dependent variables do not yield substantively different results.

p < 0.05; ** p < 0.01; *** p < 0.001

While the federal outlays coefficient estimate is not consistently significant across the four models, its substantive effect is fairly large when it is significant. Holding all else constant, when the federal government spends about one trillion dollars over the course of a congressional term, as was the case in the late 1970s and early 1980s, the odds of a Senate committee marking up and reporting out one of the bills in its jurisdiction is already less than half. When federal budget outlays reach two trillion dollars, the odds of a Senate committee's bill being reported to the floor drop to just 20 percent. By the time federal budget outlays reach 4 or 5 trillion dollars over a congress, as happened in the early 2000s, the odds of a Senate bill being reported out of committee drop to about two percent. With budget outlays clearing 7 trillion dollars in recent years, holding all else constant, the odds of a Senate bill being reported out of committee are virtually zero. (see figure 5-3).

Figure 5-3. Effect of Increase in Federal Spending on Senate Markups



CAN CONGRESS MEET THE DEMAND FOR OVERSIGHT?

The federal government rapidly expanded after World War II, with the executive branch becoming more active on the issues in which it was already involved while also expanding its reach into new sets of issues. While the dramatic federal government growth would seem to create demand for congressional committees to spend more time overseeing agency activity, in this chapter I have found only limited support for such an explanation for the decline in committee legislative activity. Increased federal spending seems to influence whether Senate committees advance legislation in their jurisdiction, but the same cannot be said for how those committees' hearing activity, nor for House committees.

The results found here may speak to the linkages between legislative and non-legislative policymaking (Foreman 1988). Legislation can be used to direct agency attention and activity (Aberbach 1990; Epstein and O'Halloran 1994). As seen in chapter 2, committees on the whole are maintaining their levels of oversight conducted since the 1980s, and it is their legislative activity, including that which provides direction to federal agencies, that has declined. The shift in committee policymaking away from legislation and towards other forms of non-legislative activity thus largely remains a story about shifting resources and incentives to compete for legislative authority in each chamber.

Yet another possibility is that demand for oversight has grown but that congressional committees lack the capacity to meet such demand. Following World War II, Congress struggled to keep pace with an executive branch that was rapidly increasing its in-house policy expertise and technological capacity, and many scholars through the 1960s, 1970, and 1980s cast doubts on the institution's ability to adequately provide

oversight of agency policymaking (Dodd [1981] 2012; Dodd and Schott 1979; C. Jones 1976; Shepsle and Weingast 1985; Sundquist 1981). Supply, to these authors, could not keep up with demand for oversight. Committees may have reached their oversight “ceiling” and are making non-legislative policy to the extent of their abilities.

The concluding chapter situates the dissertation’s findings within a broader context and discusses their implications for Congress as a policymaking body, for citizen understandings and evaluations of the institutions, and for political scientists and commentators trying to explain recent congressional lawmaking and dysfunction.

Chapter 6: Conclusion

The U.S. Congress has come under fire in recent years from the public, from journalists and political scientists, and from its own members. While the institution's public standing has never been particularly robust (Hibbing and Theiss-Morse 1995), the complaints of late center on the institution's legislative productivity, or rather the lack thereof. Yet when examining the data in chapter 1, we find that the number of substantive laws has remained steady since the 1980s, dropping only very recently. Rather, the story of contemporary lawmaking is being told by the committee system. Congressional committees have curtailed much of their legislative activity such as learning about legislation through hearings and sending bills to the floor, and instead are spending relatively more time on overseeing executive branch policymaking and other non-legislative activities. The shift in committee policymaking has resulted from two trends, both stemming from a greater centralization of agenda setting authority and responsibility within the congressional party leadership. First, committees face greater uncertainty about whether their bills will actually be considered and debated, particularly in the Senate. Second, committees have fewer incentives to compete with one another for the floor debate that does take place, along with the authority to control the parameters of that debate. After briefly reviewing the role that committees play in setting Congress's agenda and the changes to committee policymaking over time, I discuss what this dissertation's findings mean for Congress and for how political scientists and citizens think about the legislative branch of the United States government.

COMMITTEES AS CONGRESS'S AGENDA SETTING CAPACITY

Lawmaking requires agenda setting, and Congress's agenda setting capacity lies within its committee system. The committee system can simultaneously process multiple flows of information about problems and solutions at once and adapt to changes in those information flows, which expands Congress's plenary agenda (Adler and Wilkerson 2012; Cooper 1970; Jones and Baumgartner 2005; Kingdon 1984; McConachie 1898). Committees act as Congress's agenda setting capacity for both problems (what issues the institution should address) and solutions (how it should address those problems). They do so by processing and prioritizing the different substantive and political information vying for congressional attention, either through learning about and advancing legislation or by overseeing executive branch policymaking and engaging in similar forms of non-legislative policymaking.

Congressional committees today are holding relatively fewer legislative referral hearings in favor of conducting oversight and are sending relative fewer bills to the floor for consideration. To understand why, I posit that committees as organizations within Congress have two main goals: helping their individual members achieve their goals (whatever those might be), and gaining or retaining policymaking authority. This authority allows committees to decide for themselves which issues to address and how to address them. Making policy through either legislation or oversight incurs opportunity costs; time, attention, and other resources that cannot simultaneously be devoted to other activities. In order to offset these opportunity costs, committees pursue whichever policymaking activities will contribute to their authority and thus their goals.

Agenda space and the attention to different issues and proposals such space provides is finite. Spending time debating one bill ensures that other legislation is left off the agenda (Adler and Wilkerson 2012). Committees thus must compete with each other for agenda space, both in holding hearings and in sending legislation to the floor for potential consideration. The decision to pursue policy through legislation or oversight is critical because doing so—in either case—imposes opportunity costs on committees (Bawn 1997). Non-legislative action allows committees to better retain and expand their decision-making authority but provides mostly minimal, short-term gains, while legislation can establish a committee's decision-making authority for a longer period of time and provides more visible credit-claiming opportunities but also creates more uncertainty for committees as they directly compete with one another for limited floor space for their bills.

Committees thus must balance trying to lock in policy authority through legislative effort with the uncertainty of whether a bill will be taken up on the floor and the opportunity costs of foregoing more certain, but more limited, non-legislative action. As they balance their legislative and non-legislative work, committees must anticipate both other panels' decisions about how they make policy and the party leaders' decisions about what the larger institution will prioritize. Legislating has become a less attractive prospect for committees. The main source of this decline is the centralization of different agenda setting procedures under party in both the House and Senate, which in turn alter the contours and availability of legislative authority for committees. Additionally, the executive branch has grown in size and scope since World War II, which ensures a steady demand for congressional attention to agency activity. As legislative authority has shifted and agencies seek answers

for how to set priorities among their many programs, committees are finding it more fruitful—or at least more likely of offsetting their opportunity costs—to use their hearings to define issues and compete for bureaucratic attention.

As Figures 2-1 and 2-2 show, committee choices to make policy through legislative or non-legislative means influences Congress's issue agenda. Committees with jurisdiction over legal and constitutional issues and the environment have taken on larger legislative roles since the 1980s, while agriculture policy, small business issues, homeland security, and foreign relations are more likely to be conducted through oversight. How committees allocate their policymaking activity thus shapes the politics of Congress's voting agenda and the issues that the public sees the institution addressing.

While oversight has come to be an important congressional responsibility, discontents over the institution's processes and outputs lay bare the reality that citizens, journalists, political scientists, and members of Congress themselves still expect much of its work to still be legislative. Congress is, after all, the *legislative* branch of the federal government. What does the shift in committees away from legislating, even as the institution as a whole still engages in substantive lawmaking, mean for our understanding of Congress's role as an agenda setter in the U.S. policy process and its capacity to fill that role?

WHAT'S HAPPENING NOW?

This dissertation has analyzed committee activity through the 112th Congress (2011-2012), the most recent congress for which complete data exist as of this writing. Congress has undergone several changes to its rules and operations since 2012, including

several government shutdowns and even more continuing resolutions, the House Freedom Caucus's emergence and eventual ouster of House Speaker John Boehner (R-Ohio), a decision by Senate Democrats to change the chamber rules and prohibit filibusters on Cabinet and lower-level judicial nominations, a Senate Republican decision not to even hold hearings on President Obama's third Supreme Court nominee, Merrick Garland, and congressional Republican uncertainty about whether and how to proceed in repealing all or parts of what remains of the Patient Protection and Affordable Care Act.

All of the above developments tie back to shifts in committee policymaking and Congress's capacity to fulfill its role within the U.S. policy process. The high-profile obstruction of Obama nominees and the inability to enact appropriations bills on time both speak to how Congress's issue agenda has become focused on a few high-profile matters as the two parties have become stronger and more contentious (Bendery 2015; Everett 2015; Sherman and Bresnahan 2015). Such a narrow focus crowds out other issues that eventually pile up, which in turn sends signals to committees about the likelihood of their legislative efforts bearing fruit. Lowering the threshold for confirmation to a simple majority for executive branch and federal judicial nominees essentially eliminates the possibility of filibustering those nominees, which should free up some agenda space and allow the Senate more time to consider other issues. Yet the continued reliance on CRs and Republican acceptance of government shutdowns as a legitimate negotiating position will ensure that budgets and spending issues will take up a large portion of Congress's time and attention and leave other issues unaddressed. While the analysis of chapter 5 did not find strong evidence for the reliance on continuing resolutions driving committee oversight,

more work could be done to identify whether and how budgetary uncertainty affects subsystem policymaking, signaling between the executive and legislative branches, and competition for bureaucratic attention and prioritization.

The House Freedom Caucus's displeasure with former Speaker Boehner and congressional Republicans' more recent indecision about repealing and/or replacing the Affordable Care Act further point to growing restlessness with how contemporary party leaders are using the tools at their disposal (provided to them by strong, cohesive party membership) to shape legislative the legislative agenda by controlling committee assignments, restricting amendments, and keeping some measures off of the schedule entirely (Bade and Schneider 2016; Dennis and Kapur 2017; Ferrechio 2016). As party leaders have gained more decision-making authority and committees have found themselves with fewer legislative incentives, committee capacity to legislate likely has decreased. Over time, as committees repeatedly make policy through oversight or other non-legislative means and members are replaced by new colleagues, the institutional memory of what stakeholders need to be involved in reauthorizing policy and how to write a bill that can pass gradually disappears. If members of Congress decide to shift authority back to committees, they may have to re-learn how committee-driven lawmaking works.

In 2017, a unified Republican Congress under a Republican president also has repealed several Obama-era agency regulations through the legislative process, specifically under the authority of the Congressional Review Act (CRA), including environmental and labor rules. This legislative approach to directing agency activity is consistent with the choice between making policy legislatively or through non-legislative means, yet stands in

contrast to influencing rulemaking through oversight hearings, as with the regulation of commercial drones (Bump 2014), and “retrospective oversight” where committees work with agencies to overturn the previous administration’s actions (MacDonald and McGrath 2016). The issues on which Congress uses the CRA to repeal regulations compared to letting committees guide (or reverse) rulemaking through oversight may depend on the level of discretion Congress has delegated to agencies and is worth studying in more detail.

IMPLICATIONS FOR CONGRESS AS POLICYMAKING BODY

Party leaders today exert more authority over Congress’s legislative outputs by finding alternate pathways for legislation to come to the floor, setting the terms of debate to ensure party victories, and in some cases even authoring major legislation themselves (Aldrich and Rohde 2010; Sinclair 2007). Congressional scholar Barbara Sinclair (2007) argues that many of these changes, including the House multiple referral and “primary” referral rules and party leader control over Senate debate discussed in chapter 4, were instituted in order to facilitate lawmaking. Adopting a large continuing appropriations resolution may be easier than passing a dozen contentious appropriations bills, and designating a committee of primary referral may discourage committee gatekeeping, but doing so provides committees with fewer incentives to compete with one another for legislative authority. The “unorthodox” procedures put in place to make it easier to pass legislation have made it less likely that legislative agenda setting takes place; in bypassing committees, Congress has encouraged them to make policy on their own.

Consider how these related trends affect a member of Congress in who is not part of the leadership team and does not sit on a committee that deals with tax policy, but who

nonetheless cares about the United States tax structure and how tax policy is made. Debate on any tax bill that comes to the chamber floor today likely will be restricted either in the amount of time allowed or on the amendments that can be offered (Sinclair 2007), meaning our member cannot try to change the committee's bill; she can simply vote yea or nay. And without a seat on any committee with jurisdiction over taxes, she cannot direct agency implementation or highlight the specific issues in taxation she thinks deserve attention. Contemporary congressional policymaking is thus *stratified*, with legislative policy being set at the leadership level, non-legislative policy being made at the committee and subsystem level in communication with bureaucrats, interest groups, and other interested actors, and rank-and-file members who do not serve on a particular committee—along with the constituents these members represent—left without a voice in shaping Congress's policy agenda.

Committee competition for information, agenda space, decision-making authority drives congressional agenda setting and thus the institution's role in the policy process. Congress's policy agenda and the rules governing the committee system as it existed in the late 1970s, through the 1980s and into the early 1990s gave rise to a "jurisdictional battlefield" as committees competed with one another for legislative authority (Baumgartner and Jones 1993). Such competition is important for several related reasons.

First, committees often are biased towards certain issue definitions and prioritize certain kinds of information and information sources within the policy process (Jones, et al. 1993). Keeping policy and decision-making authority within one committee ensures that elites within that issue's subsystem will control policy outcomes and exercise

gatekeeping over proposals and issue definitions that would reduce their authority (Baumgartner and Jones 1993). Competition among committees to define policy issues and thus gain (or retain) decision-making authority mobilizes different interests and can help overcome one committee's bias, thereby helping pluralism flourish within Congress and a greater diversity of interests to be represented.

Second, Schick (1976, 232) argues that, “the demand for and use of [policy] analysis is a function of the openness of the legislative process to a multiplicity of interests and participants.” Committee competition and the multiple, pluralistic policy venues such competition creates on any given issue thus encourage the use of expertise and analysis to inform debate and develop solutions. Other kinds of political information such as constituent preferences and the structure of different coalitions within Congress undoubtedly are important when developing policy. Yet hearing from policy experts and analysts when defining problems and devising solutions can help ensure that Congress and the rest of the political system actually fix the problems they are trying to address. Third, subsystem control over issue definitions typically leads to small, incremental adjustments to policy (Jones and Baumgartner 2005). By providing alternate venues for entrepreneurs and other looking to redefine issues and present new solutions, a competitive committee system helps create the conditions for Congress to enact major policy changes (Baumgartner and Jones 1993).

The two changes to legislative authority that were discussed in chapter 4—a House rules change designating a primary committee for bills referred to multiple panels and the rise in (leadership-driven) cloture efforts to fight filibusters—each have disincentivized

committee legislative activity and competition, and in so doing have affected Congress as a policymaking institution. As Congress spends more and more of its scarce floor time debating budgeting and spending issues and, in the Senate, executive and judicial nominations, less time is available for other issues like agriculture, education, health care, energy, and cybersecurity. As fewer of these bills are taken up, committees find fewer reasons to pursue legislation at all, and so Congress's policy agenda—the issues to which it pays attention to—changes in ways that may not match the needs of those implementing policy every day. Designating a committee of primary referral, meanwhile, establishes lines of legislative authority from the outset and so provides fewer incentives for committee competition and thus fewer chances to foster expertise on new and emerging issues that may cut across jurisdictions (King 1997).

Congress's capacity to cope with the changing policy environment in which it exists is often met through decentralization (Polsby 1971). Centralizing agenda setting and giving party leaders more authority does not take advantage of the institution's division of labor and make its agenda subject to greater individual limits on attention without the institutional mechanisms to compensate for those limits. How, then, should we as citizens evaluate our Congress?

IMPLICATIONS FOR HOW CITIZENS THINK ABOUT CONGRESS

Congress has a fundamental agenda setting role in the U.S. policy process, where agenda setting is broadly defined as processing and prioritizing information for action (Jones and Baumgartner 2005). Yet a tradeoff exists between Congress's information processing and its prioritization, between its ability to deliberate and its ability to quickly

and decisively address policy problems (McConachie 1898). A decentralized Congress with a strong committee system that fosters attention to and deliberation of a wide array of policy problems but may struggle to put together a comprehensive solution and a more centralized Congress with strong party leaders that present a coherent agenda but do so in a way that leaves other elected representatives out of the loop and lacks the capacity to address changing issue environments. Given this tradeoff, what should we expect out of congressional parties and party leaders and, ultimately, out of Congress?

In an era of strong, polarized parties, party leaders are given the tools to facilitate action, to work towards cohesive party agendas that they can present to voters (Aldrich and Rohde 2010; Cox and McCubbins 1993; Sinclair 2007). Doing so requires prioritizing those issues that a party thinks will help it win elections and maintain a cohesive identity. Prioritization is just that: paying attention to some issues and some proposals, while not paying attention to others. When citizens decide we want stronger parties representing us in Congress, with party leaders given the tools to offer clear priorities and take decisive action, then we devalue Congress's information processing function. When we decide that the parties have become too strong, too combative, and that the institution's agenda neglects too many issues vying for attention; and we support a more decentralized Congress with rules and structures that encourage members to develop expertise and the incorporation of a wider range of information and analysis, both policy-related and political, then we need to be more patient regarding the institution's ability to act quickly and comprehensively.

I offer this tradeoff not to say that one choice or the other is correct. Different citizens will have different preferences. But thinking of Congress in terms of its agenda setting role introduces different expectations for how the institution should operate and offers a new perspective by which to evaluate the institution and whether Congress is fulfilling its role within the policy process. And all is not hopeless; oversight and other non-legislative work also has value, particularly for signaling to us that members of Congress are listening and paying attention to the same issues we care about (Sulkin 2005). Citizens thus should be more aware of and engage in congressional policymaking earlier in the process than when members vote on final passage of a bill as another way to ensure that Congress maintains its pluralistic character.

How realistic is it to expect citizens to pay attention to congressional procedure or committee activity with less visibility than major legislation? The answer lies in part with how political scientists, journalists, and other commentators talk about Congress.

IMPLICATIONS FOR HOW SCHOLARS AND COMMENTATORS THINK ABOUT CONGRESS

My dissertation's findings have two important implications for how political scientists, journalists, and other commentators study and talk about Congress, one narrower and one broader. The narrower concern centers on how we view committee power. The literatures on Congress and the policy process suggest committees are powerful in two (non-exclusive) circumstances. First, when bill that gets enacted into law looks similar to the bill a committee sent to the floor. The final product can be similar to the proposal either because no one else was able to amend the committee's proposal or because the committee was given a privileged position when resolving inter-cameral differences (Krehbiel, et al.

1987). Second, when committees can make more policy through oversight without needing even to send a bill to the floor (Bawn 1996; Khademian 1995).

Both conditions for committee power are present in the contemporary Congress. As this dissertation has shown, committees are spending more and more of their time making policy through oversight. And Sinclair (2007) and others have previously shown that fewer and fewer proposed amendments are being allowed on legislation that does get debated on the floor. Yet one would be hard-pressed to find a journalist or Congress scholar willing to say with a straight face that committees today are more powerful than they were 50 years ago, particularly when even a committee considered one of the most powerful, Senate Appropriations, struggles to find a senator willing to act as chair (Sanchez 2012). We as scholars need to either start talking about a Congress of both powerful parties *and* committees or re-orient our theories of committee power to de-emphasize the importance of debate rules and amendments and emphasize how hard it is to get a proposal scheduled for debate at all.

The broader point for scholars and commentators is related, that of the need to focus more on policymaking within committees and what committees are doing in a party-driven era. Given that more committee activity today is non-legislative, what does that activity look like? Are committees organizing themselves in ways that reflect the crowded legislative environment? How involved are party leaders in driving oversight activity and the issues on which committees engage the bureaucracy? Scholars in the 1970s and 1980s lamented a decentralized Congress's inability to conduct what they saw as effective oversight (Dodd [1981] 2012; Dodd and Schott 1979; Shepsle and Weingast 1985), while

today we hear encomiums to that era and a desire to return to an age when Congress *could* conduct good oversight (Zeller 2014). What exactly is “good” oversight, and as a centralized, party-driven institution solved the problems that scholars identified 30 years ago? If not, what would it take for congressional oversight to improve? And as we saw in chapter 2, the two designated oversight committees are actually legislating more today than many other “legislative” committees.

Finally, political scientists and members of Congress alike recently have lamented a polarized, dysfunctional Congress and suggested paths forward to encourage more deliberation and dealmaking. Many of these proposed solutions focus on altering election rules to encourage more moderate candidates to run and win office or in creating more incentives for bipartisan collegiality and cooperation in Washington (Mann and Ornstein 2012; Mansbridge and Martin 2015). But as we saw in chapters 3 and 4, reducing partisanship alone will not reverse the shift away from committee legislating we have seen over the past 35 years; institutional rules need to change in order to incentivize and empower committees to invest time, and other resources into making legislative policy. A greater focus on committees and their place in the policy process may yield better descriptions of what has and has not changed in a party-driven Congress, which in turn will lead to more precise definitions of what problems may exist and thus recommendations that have a chance of changing the institution’s operations and capacity in ways that the proposers hope to see.

Appendix

This dissertation both describes and explains the decline in congressional committee legislative activity seen since the 1980s. In testing different explanations for this trend, I have used time series cross section beta regression models with two dependent variables: the proportion of hearings a committee holds in a given congress that are legislative, and the proportion of bills referred to a committee in a given congress that said committee marks up and reports out for possible consideration. In this appendix I explain several measurement and modeling decisions that led to the analyses presented in the preceding chapters. In the first section I explain why the dependent variables used in the statistical analyses are proportions rather than counts of legislative hearings. The second section discusses specific modeling choices made to account for both the cross-sectional and time-serial nature of the models used, namely the use of a time trend counter and a few specific committee fixed effects. The third section specifies alternate models.

WHICH DEPENDENT VARIABLE? COUNTS VS. PROPORTIONS

In this dissertation, I state that committees have two choices when making policy, to legislate or to conduct oversight (which includes other forms of non-legislative policymaking), and I find that legislative activity among committees has become less and less common over time. When measuring a committee's level of activity (legislative or otherwise), one can use a proportion, as I have done, or a count such as the number of legislative or oversight hearings and the number of bills a committee marks up and reports out. A count measure might be attractive for several reasons, foremost of which is its ease of interpretation, both in descriptive data and in interpreting statistical model results with

counts as the dependent variable. A proportion also may not capture when the overall number of hearings has declined (which indeed has happened, though as shown in chapter 1 the decline has occurred largely due to the drop in legislative hearings), and thus may mask broader congressional trends.

Yet this latter point is also what makes proportions more appropriate for this project. If one were to use counts as the dependent variable, then one would need to control for a particular committee's total number of hearings held (or total number of referred bills) in order to account for differences in committee workload. A very active committee like House Energy and Commerce holding three fewer legislative hearings each congress is very different from a less-active committee like House Science and Technology holding three fewer legislative hearings each congress. A proportion, by its nature, takes these cross-committee differences into account and tells us, *relative to a given committee's regular activity*, whether that activity is less or more legislative.

In choosing proportions, one also could decide to calculate the proportion of hearings that are non-legislative and document that increase. As we saw in chapter 1, when hearings are divided into legislative and non-legislative categories the temporal decline is only among legislative hearings, while the overall level of non-legislative hearings has held relatively steadily (with some congress-to-congress variation). The story worth telling and explaining is really about the decline of legislative activity. Calculating the proportion of committee legislative activity helps tell this story while also considering cross-committee differences and broad trends.

Another reason to use proportions is that committees really have a third choice: to not do anything. Indeed, negative agenda setting or gatekeeping is an important committee right and function within the U.S. Congress. That members of Congress are spending less time overall on policy-relevant activities and more time on party fundraising and messaging has been documented elsewhere (Leahy 2007; Master 2016) but lies slightly outside the scope of this dissertation as it concerns member-level rather than committee-level behavior. As described below, the interpretation of coefficient estimates from beta regression models, which require a dependent variable bounded between 0 and 1 (like a proportion), helps account, even if obliquely, for a committee potentially choosing to do nothing.

More About Beta Regression

The beta distribution describes continuous data restricted to the interval (0,1). The distribution has two parameters, α and β (or, as parameterized by King 1998, ρ and γ). The beta distribution can take different shapes depending on the values of these parameters, making it highly flexible. (King 1998; Paolino 2001; Ferrari and Cribari-Neto 2004). The beta distribution's probability density function is given by:

$$f(y | \alpha, \beta) = [\Gamma(\alpha + \beta) / \Gamma(\alpha)\Gamma(\beta)]y^{\alpha-1}(1-y)^{\beta-1}$$

$0 < y < 1$ where $\alpha > 0$, $\beta > 0$ and $\Gamma \cdot$ is the gamma function. The mean and variance of the beta distribution are:

$$E(Y) = \alpha / \alpha + \beta$$

and

$$V(Y) = \alpha\beta / (\alpha+\beta)^2(\alpha+\beta+1)$$

The beta distribution's likelihood function is:

$$\begin{aligned} L(y | \alpha, \beta) &= \prod_{i=1}^n [\Gamma(\alpha + \beta) / \Gamma(\alpha)\Gamma(\beta)] y^{\alpha-1} (1-y)^{\beta-1} \\ &= [\Gamma(\alpha + \beta) / \Gamma(\alpha)\Gamma(\beta)]^n \prod_{i=1}^n y^{\alpha-1} \prod_{i=1}^n (1-y)^{\beta-1} \end{aligned}$$

The log-likelihood function is thus:

$$\ln L = n \ln \Gamma(\alpha+\beta) + (\alpha - 1) \sum_{i=1}^n \ln y + (\beta - 1) \sum_{i=1}^n \ln (1 - y) - n \ln \Gamma\alpha - n \ln \Gamma\beta$$

Parameter estimates normally would be obtained by maximizing this function, and taking derivatives with respect to $\alpha+\beta$. However, attempting to do so here would be unwieldy, as no closed-form solution exists (Gnanadesikan, et al. 1967). A method of moments approach is used to estimate the parameters instead. If the sample mean is:

$$\bar{Y} = 1/n \sum_{i=1}^n Y_i$$

and the sample variance is:

$$1/n - 1/n \sum_{i=1}^n (Y_i - \bar{Y})^2$$

then the method of moments estimates for α and β are:

$$\alpha = \bar{Y} \{ [\bar{Y}(1 - \bar{Y}) / s^2] - 1 \}$$

$$\beta = (1 - \bar{Y}) \{ [\bar{Y}(1 - \bar{Y}) / s^2] - 1 \}$$

Beta regression coefficient estimates cannot be interpreted directly, as can those of an ordinary least squares model, and instead must be exponentiated. Doing so yields odds ratios that translate roughly to: when a thing happens, what are the odds that said thing is what we're interested in? In the case of committee activity, exponentiating the coefficient estimate yields the interpretation of *when* committees hold a hearing (receive a bill), what are the odds that said hearing is legislative (the committee marks up and reports said bill)?

Such an interpretation helps address both differences in average committee activity levels (say Energy and Commerce vs. Science and Technology) and the possibility of an overall decline in activity, and in doing so reinforces the desirability of measuring committee activity through proportions. Having addressed the dependent variables used in this dissertation, I turn now to the independent variables that account for heterogeneity both across time and across units.

TIME SERIES CROSS SECTION MODELS

The dependent variables of interest in this dissertation are the level of committee activity within a given congress, and thus take a time series cross section (TSCS) structure. TSCS data can exacerbate problems associated with both unit-level heterogeneity and serial correlation. This section describes and explains the steps taken in the dissertation to help alleviate these problems.

Accounting for Committee Heterogeneity

A simple TSCS model takes the form $Y_{it} = \alpha + \beta X_{it} + \varepsilon_{it}$, where i represents an individual unit and t represents a point in time. One assumption of the simple TSCS model is that a single intercept, α , is constant for all units. If this assumption is not true within the data, the covariate effect estimates (β) can be biased. The traditional way to account for possible heterogeneity of intercepts is through unit fixed effects (up to $N - 1$ intercepts). Fixed effects (FEs) introduce their own complications: they render slowly- or rarely-changing within-unit covariates difficult to estimate, take up additional degrees of freedom which can render maximum likelihood estimates inconsistent, and do not tell us anything

substantive about the committee heterogeneity's sources (Beck 2001; Beck and Katz 2001; Zorn 2001).

Rather than include intercepts for all committees, I have pursued a middle ground and included FEs for four House committees and three Senate committees that have unique responsibilities within Congress. First, the Appropriations Committees which are responsible for 13 bills each fiscal year (and more recently, for the continuing resolutions adopted in the absence of appropriations bills). The House and Senate committees' jurisdictions are broad, but their activity never strays far beyond the annual spending bills. Second, the Budget Committees whose activities are even more restricted to those dealing with the budget resolution and budget reconciliation. The Budget Committees' jurisdictions have changed slightly since their creation in 1980, but their focus remains on the budget process with relatively few but complex outputs. The House Rules Committees is responsible for a few substantive areas such as campaign finance, but the bulk of its activity is devoted to creating debate rules for other committees' legislation.¹³ The House Administration Committee oversees federal election administration and the day-to-day workings of the U.S. House as a workplace, including office and parking assignments (its chair is sometimes called "the mayor of Capitol Hill"). The Senate Rules & Administration combines the House Rules and House Administration Committees' functions, minus crafting debate rules. Giving these committees their own intercepts provides some

¹³ The Rules Committee observations used as the dependent variables in this dissertation omit the debate rules the committee approves and only include its own legislation.

substantive reasoning for any potential differences in their policymaking decisions without taking up too many degrees of freedom.

Accounting for Time

TSCS models may further fail to account for any serial correlation in the data. Some approaches for remedying this problem include lagged dependent variables and “differencing the data,” (Anderson and Hsiao 1981; Beck 2001; Zorn 2001), though these techniques also have their drawbacks. A “differences” model, which involves subtracting the dependent and independent variables’ values at time $t - 1$ from the values at time t , would explain changes in a committee’s proportion of legislative activity from one congress to the next. While the change from one congress to the next may be worth explaining, the differences model assumes that all of the independent variables’ effects on the dependent variable occur in the initial time period (DeBoef and Keele 2008). As for lagged dependent variables, Achen (2000) notes that they can overwhelm other substantive variables’ effects without eliminating the serial correlation for which they are meant to account.

Yet another possible strategy would be to include FEs for all or some congresses. As noted above, FEs themselves do not provide explanations for heterogeneity in the data, and to date no research has provided substantive reasons for specific congress-level fixed effects. Three possibilities come to mind: the 104th Congress (1995-6), which is taken into account through the interaction term discussed in chapter 4; the 105th and 106th Congresses (1997-2000), during which much congressional time and attention was focused on the Clinton impeachment; and the 107th Congress (2001-2), which included both the

September 11, 2001 terrorist attacks and Vermont Sen. Jim Jeffords' decision to leave the Republican Party and become an Independent who caucused with Democrats, which changed the upper chamber's majority party five months into the first session. More research would need to be done on these specific congresses and their potential effects on the institution's agenda to justify their inclusion as FEs here.

I have again sought what I feel is a middle ground and included a time trend counter as an independent variable. The coefficient estimate on a time trend variable is interpreted as the overall direction (or trend) in which the dependent variable moves over time, rather than effects that may be specific to given years (or congresses). The time trend counter is appropriate for this dissertation's analysis given that both the dependent variable and some of the independent variables (such as party polarization) exhibit temporal trends that should be accounted for.

While I believe that the modeling decisions described in the previous two sections are sound, the next section specifies two sets of alternate models for the dissertation's analysis: with counts as the dependent variable, and with lagged dependent variables (proportions) in lieu of a trend counter. As seen below, the alternate specifications largely do not change the dissertation's substantive findings. Polarization and gridlock interval coefficient estimates are statistically significant and negative in their respective lagged dependent variable models, though as in chapter 4 these effects disappear in the models that include multiple referral and cloture motion measures. In the "growth in government" models, the *Federal Register* pages coefficient estimate becomes statistically significant in the House bills reported model when a lagged dependent variable is substituted for the

trend counter. Coefficient estimates for the multiple referral interaction term are statistically significant in the House bills reported model with counts rather than proportions as dependent variables show, while the cloture motion coefficient loses its statistical significance in the House models.

ALTERNATE MODELING APPROACHES

Counts as Dependent Variables (Negative Binomial Regression Models)

Table A-1. Pure Partisanship

	House		Senate	
<i>Indep. Variables</i>	<i>Leg. Hearings</i>	<i>Reported Bills</i>	<i>Leg. Hearings</i>	<i>Reported Bills</i>
Divided Chambers	-0.20 (0.10)	-0.11 (0.12)	-0.28 (0.15)	-0.17 (0.14)
Divided Branches	0.10 (0.11)	0.13 (0.13)	0.07 (0.13)	0.06 (0.13)
Time Trend	-0.08 (0.01) ***	-0.01 (0.01)	-0.16 (0.01) ***	-0.11 (0.01) ***
Appropriations	-3.55 (0.35) ***	-1.15 (0.24) ***	-0.55 (0.25) *	3.96 (0.27) ***
Budget	-3.49 (0.35) ***	-4.12 (0.37) ***	-2.68 (0.34) ***	0.03 (0.24)
House Administration	-1.99 (0.24)	-0.78 (0.24) **	-	-
House Rules	-2.70 (0.26) ***	-2.33 (0.26) ***	-	-
Senate Rules & Administration	-	-	-3.03 (0.37) ***	0.68 (0.23) **
Constant	3.87 (0.16) ***	3.87 (0.19) ***	4.14 (0.18) ***	4.46 (0.18) ***
N	314	314	272	272
AIC	2291	2818	1867	2600

p < 0.05; ** p < 0.01; *** p < 0.001

Table A-2. Polarization

<i>Indep. Variables</i>	House		Senate	
	<i>Leg. Hearings</i>	<i>Reported Bills</i>	<i>Leg. Hearings</i>	<i>Reported Bills</i>
Polarization	-1.61 (1.93)	-0.21 (2.24)	-1.84 (3.49)	-4.33 (3.38)
Time Trend	-0.02 (0.07)	-0.002 (0.08)	-0.12 (0.07)	0.02 (0.07)
Appropriations	-3.56 (0.36) ***	-1.15 (0.24) ***	-0.57 (0.25) *	-0.66 (0.22) *
Budget	-3.48 (0.35) ***	-4.13 (0.37) ***	-2.68 (0.34) ***	-1.54 (0.26) ***
House Administration	-1.99 (0.24)	-0.78 (0.24) **	-	-
House Rules	2.41 (0.26) ***	-2.33 (0.26) ***	-	-
Senate Rules & Administration	-	-	-3.02 (0.37) ***	-0.41 (0.26)
Constant	4.65 (0.95) ***	4.04 (1.10)	4.97 (1.82) **	6.76 (1.77) ***
N	314	314	272	272
AIC	2293	2817	1870	2596

p < 0.05; ** p < 0.01; *** p < 0.001

Table A-3. Party Cartels

	House		Senate	
<i>Indep. Variables</i>	<i>Leg. Hearings</i>	<i>Reported Bills</i>	<i>Leg. Hearings</i>	<i>Reported Bills</i>
Maj. Party-Floor Avg. Distance	0.33 (0.56)	-0.12 (0.64)	0.37 (0.36)	0.36 (0.35)
Time Trend	-0.08 (0.01) ***	-0.01 (0.01)	-0.16 (0.01) ***	-0.07 (0.01) ***
Appropriations	-3.57 (0.36) ***	-1.15 (0.24) ***	-0.57 (0.25) *	-0.66 (0.26) *
Budget	-3.49 (0.35) ***	-4.13 (0.37) ***	-2.69 (0.34) ***	-1.56 (0.26) ***
House Administration	-1.98 (0.24) ***	-0.78 (0.24) **	-	-
House Rules	-2.41 (0.26) ***	-2.33 (0.26) ***	-	-
Senate Rules & Administration	-	-	-3.03 (0.37) ***	-0.41 (0.26)
Constant	3.74 (0.24) ***	3.99 (0.28) ***	3.87 (0.20) ***	4.34 (0.20) ***
N	314	314	272	272
AIC	2294	2817	1869	2597

p < 0.05; ** p < 0.01; *** p < 0.001

Table A-4. Gridlock

<i>Indep. Variables</i>	House		Senate	
	<i>Leg. Hearings</i>	<i>Reported Bills</i>	<i>Leg. Hearings</i>	<i>Reported Bills</i>
Gridlock Interval	1.11 (0.90)	0.24 (1.02)	1.64 (1.18)	0.26 (1.15)
Time Trend	-0.10 (0.01) ***	-0.01 (0.02)	-0.18 (0.02) ***	-0.07 (0.02) ***
Appropriations	-3.57 (0.36) ***	-1.16 (0.24) ***	-0.59 (0.25) *	-0.66 (0.26) *
Budget	-3.49 (0.35) ***	-4.13 (0.37) ***	-2.69 (0.34) ***	-1.55 (0.26) ***
House Administration	-1.98 (0.24) ***	-0.77 (0.24) **	-	-
House Rules	-2.40 (0.26) ***	-2.33 (0.26) ***	-	-
Senate Rules & Administration	-	-	-3.03 (0.37) ***	-0.42 (0.26)
Constant	3.52 (0.30) ***	3.86 (0.35) ***	3.49 (0.40) ***	4.41 (0.40) **
N	314	314	272	272
AIC	2292	2817	1568	2598

p < 0.05; ** p < 0.01; *** p < 0.001

Table A-5. Legislative Authority

<i>Indep. Variables</i>	House		Senate	
	<i>Leg. Hearings</i>	<i>Reported Bills</i>	<i>Leg. Hearings</i>	<i>Reported Bills</i>
<i>Leg. Authority</i>				
Mult. Ref. × Post-1995	-0.02 (0.006) **	-0.02 (0.01) *	-	-
Mult. Ref. Perc.	-0.001 (0.004)	-0.002 (0.005)	-	-
Post-1995 Indicator	0.58 (0.46)	0.68 (0.53)	-	-
Cloture Motions	-0.004 (0.003)	0.001 (0.003)	-0.01 (0.004) **	-0.004 (0.004)
<i>Partisanship</i>				
Divided Chambers	-0.15 (0.13)	-0.08 (0.16)	-0.32 (0.14) *	0.08 (0.14)
Polarization	-0.20 (4.51)	-0.89 (5.28)	7.91 (4.39)	-2.81 (4.36)
<i>Controls</i>				
Time Trend	-0.06 (0.14)	0.02 (0.16)	-0.26 (0.08) **	0.10 (0.08)
Appropriations	-3.60 (0.35) ***	-1.20 (0.24) ***	-0.53 (0.25) *	-0.66 (0.26) *
Budget	-3.24 (0.35) ***	-3.83 (0.37) ***	-2.72 (0.34) ***	-1.56 (0.26) ***
House Administration	-1.99 (0.23) ***	-0.71 (0.23) **	-	-
House Rules	-2.05 (0.29) ***	-1.98 (0.30) ***	-	-
Senate Rules & Administration	-	-	-3.02 (0.37) ***	-0.41 (0.26)
Constant	3.94 (2.24)	4.42 (2.62)	0.36 (2.23)	5.99 (2.21)

N	314	314	272	272
AIC	2278	2813	1860	2599

p < 0.05; ** p < 0.01; *** p < 0.001

Table A-6. Growth in Government

<i>Indep. Variables</i>	House		Senate	
	<i>Leg. Hearings</i>	<i>Reported Bills</i>	<i>Leg. Hearings</i>	<i>Reported Bills</i>
<i>Growth in Govt.</i>				
Federal Outlays (in \$billions)	-0.0001 (0.0002)	0.0003 (0.0002)	-0.0002 (0.0002)	-0.0001 (0.0002)
<i>Federal Register</i> pages (in thousands)	-0.005 (0.003)	-0.002 (0.004)	-0.003 (0.003)	0.001 (0.004)
No. of days under CR in prev. Cong.	0.0001 (0.0003)	-0.00004 (0.0003)	0.0001 (0.0003)	0.0005 (0.0003)
<i>Leg. Authority</i>				
Mult. Ref. × Post-1995	-0.02 (0.006) **	-0.02 (0.01) **	-	-
Mult. Ref. Perc.	-0.002 (0.004)	0.001 (0.005)	-	-
Post-1995 Indicator	0.76 (0.36)	0.92 (0.41)	-	-
Cloture Motions	-0.006 (0.004)	-0.002 (0.004)	-0.01 (0.004) *	-0.01 (0.004)
<i>Controls</i>				

Table A-6 (continued).

Time Trend	-0.07 (0.07)	-0.09 (0.08)	-0.05 (0.01) *	0.003 (0.07)
Appropriations	-3.61 (0.35) ***	-1.19 (0.24) ***	-0.55 (0.25) *	-0.65 (0.26) *
Budget	-3.24 (0.35) ***	-3.86 (0.37) ***	-2.69 (0.34) ***	-1.57 (0.26) ***
House Administration	-1.99 (0.23)	-0.70 (0.23)	-	-
House Rules	-2.05 (0.29) ***	-2.02 (0.30) ***	-	-
Senate Rules & Admin	-	-	-3.01 (0.37) ***	-0.41 (0.25)
Constant	4.62 (0.45)	4.07 (0.53) ***	4.62 (0.49) ***	4.20 (0.46) ***
N	314	314	272	272
AIC	2279	2814	1867	2599

p < 0.05; ** p < 0.01; *** p < 0.001

Lagged Dependent Variable Included (D.V. is Proportion)

Table A-7. Pure Partisanship

	House		Senate	
<i>Indep. Variables</i>	<i>Leg. Hearings</i>	<i>Reported Bills</i>	<i>Leg. Hearings</i>	<i>Reported Bills</i>
Divided Chambers	0.01 (0.12)	-0.19 (0.09) *	0.20 (0.16)	-0.11 (0.11)
Divided Branches	0.38 (0.13) **	0.45 (0.09) ***	0.22 (0.14)	0.12 (0.10)
Lagged D.V.	2.43 (0.32) ***	4.03 (0.37) ***	4.18 (0.37) ***	5.01 (0.29) ***
Appropriations	-1.76 (0.28) ***	-1.30 (0.21) ***	-0.39 (0.27)	0.95 (0.26) ***
Budget	-1.46 (0.28) ***	-4.04 (0.26) ***	-1.01 (0.27) ***	0.44 (0.20) *
House Administration	-0.81 (0.26)	-0.17 (0.18)	-	-
House Rules	3.01 (0.31) ***	-1.43 (0.25) ***	-	-
Senate Rules & Administration	-	-	1.70 (0.34) ***	-0.21 (0.21)
Constant	-1.93 (0.13) ***	-2.82 (0.10) ***	-2.42 (0.16) ***	-2.57 (0.12) ***
N	314	314	272	272
Pseudo-R ²	0.39	0.47	0.20	0.48

p < 0.05; ** p < 0.01; *** p < 0.001

Table A-8. Polarization

<i>Indep. Variables</i>	House		Senate	
	<i>Leg. Hearings</i>	<i>Reported Bills</i>	<i>Leg. Hearings</i>	<i>Reported Bills</i>
Polarization	-2.53 (0.37) ***	-0.97 (0.24) ***	-4.48 (0.81) ***	-1.97 (0.51) *
Lagged D.V.	1.07 (0.035) **	3.56 (0.38) ***	2.82 (0.41) ***	4.61 (0.29) ***
Appropriations	-2.13 (0.28) ***	-1.21 (0.22) ***	-0.46 (0.27)	1.24 (0.26) ***
Budget	-1.85 (0.28) ***	-3.83 (0.26) ***	-1.04 (0.27) ***	-0.40 (0.20)
House Administration	-0.04 (0.26)	-0.15 (0.18)	-	-
House Rules	2.76 (0.31) ***	-1.42 (0.25) ***	-	-
Senate Rules & Administration	-	-	1.65 (0.34) ***	-0.16 (0.20)
Constant	0.68 (0.35) *	-1.74 (0.21)	1.18 (0.62)	-1.09 (0.37) ***
N	314	314	272	272
Pseudo-R ²	0.45	0.47	0.25	0.48

p < 0.05; ** p < 0.01; *** p < 0.001

Table A-9. Party Cartels

<i>Indep. Variables</i>	House		Senate	
	<i>Leg. Hearings</i>	<i>Reported Bills</i>	<i>Leg. Hearings</i>	<i>Reported Bills</i>
Maj. Party-Floor Avg. Distance	-0.39 (0.67)	-0.26 (0.49)	-0.05 (0.37)	0.50 (0.27)
Lagged D.V.	2.60 (0.32) ***	3.85 (0.37) ***	4.32 (0.37) ***	4.96 (0.28) ***
Appropriations	-1.69 (0.28) ***	-1.31 (0.22) ***	-0.35 (0.27)	0.95 (0.26) ***
Budget	-1.45 (0.28) ***	-3.78 (0.26) ***	-0.96 (0.27) ***	-0.43 (0.20) *
House Administration	-0.72 (0.27)	-0.15 (0.21)	-	-
House Rules	2.78 (0.31) ***	-1.46 (0.25) ***	-	-
Senate Rules & Administration	-	-	1.67 (0.34) ***	-0.20 (0.21)
Constant	-1.54 (0.32)	-2.42 (0.22) ***	-2.25 (0.23)	-2.78 (0.17) ***
N	314	314	272	272
Pseudo-R ²	0.38	0.46	0.20	0.47

p < 0.05; ** p < 0.01; *** p < 0.001

Table A-10. Gridlock

<i>Indep. Variables</i>	House		Senate	
	<i>Leg. Hearings</i>	<i>Reported Bills</i>	<i>Leg. Hearings</i>	<i>Reported Bills</i>
Gridlock Interval	-2.43 (0.71) ***	-1.10 (0.49) *	-0.72 (0.83)	-1.32 (0.55) *
Lagged D.V.	2.07 (0.34) ***	3.67 (0.38) ***	4.16 (0.40)	4.84 (0.29) ***
Appropriations	-1.80 (0.28) ***	-1.24 (0.22) ***	-0.36 (0.27)	1.11 (0.26) ***
Budget	-1.57 (0.28) ***	-3.78 (0.26) ***	-0.96 (0.27) ***	-0.44 (0.20) *
House Administration	-0.56 (0.26)	-0.14 (0.18)	-	-
House Rules	2.66 (0.31) ***	-1.45 (0.25) ***	-	-
Senate Rules & Administration	-	-	1.65 (0.33) ***	-0.19 (0.21)
Constant	-0.50 (0.37)	-2.02 (0.24) ***	-1.91 (0.43) ***	-1.91 (0.27) ***
N	314	314	272	272
Pseudo-R ²	0.41	0.46	0.19	0.47

p < 0.05; ** p < 0.01; *** p < 0.001

Table A-11. Legislative Authority

<i>Indep. Variables</i>	House		Senate	
	<i>Leg. Hearings</i>	<i>Reported Bills</i>	<i>Leg. Hearings</i>	<i>Reported Bills</i>
<i>Leg. Authority</i>				
Mult. Ref. × Post-1995	-0.01 (0.006) *	-0.01 (0.005)	-	-
Mult. Ref. Perc.	-0.001 (0.005)	0.01 (0.004) **	-	-
Post-1995 Indicator	0.55 (0.39)	0.56 (0.30)	-	-
Cloture Motions	-0.01 (0.003) *	-0.002 (0.003)	-0.01 (0.004) **	-0.004 (0.003)
<i>Partisanship</i>				
Divided Chambers	-0.17 (0.12)	-0.16 (0.09)	-0.02 (0.14)	-0.20 (0.10)
Polarization	-1.58 (1.02)	-1.81 (0.76) *	-0.68 (1.49)	-1.06 (1.05)
<i>Controls</i>				
Lagged D.V.	0.67 (0.34) *	3.84 (0.38) ***	2.94 (0.41) ***	4.65 (0.29) ***
Appropriations	-2.46 (0.28) ***	-1.14 (0.21) ***	-0.43 (0.27)	1.21 (0.26) ***
Budget	-1.88 (0.28) ***	-3.72 (0.26) ***	-0.99 (0.27) ***	-0.40 (0.20) *
House Administration	-0.26 (0.25)	-0.18 (0.18)	-	-
House Rules	2.92 (0.35) ***	-1.69 (0.27) ***	-	-
Senate Rules & Administration	-	-	1.81 (0.34) ***	-0.17 (0.20)
Constant	0.66 (0.61)	-1.53 (0.45) *	-0.66 (0.86) ***	-1.41 (0.57)

Table A-11 (continued).

N	314	314	272	272
Pseudo-R ²	0.48	0.49	0.27	0.50

p < 0.05; ** p < 0.01; *** p < 0.001

Table A-12. Growth in Government

<i>Indep. Variables</i>	House		Senate	
	<i>Leg. Hearings</i>	<i>Reported Bills</i>	<i>Leg. Hearings</i>	<i>Reported Bills</i>
<i>Growth in Govt.</i>				
Federal Outlays (in \$billions)	-0.0001 (0.0001)	0.0001 (0.0001)	-0.0001 (0.0001)	-0.0003 (0.0001) ***
<i>Federal Register</i> pages (in thousands)	-0.002 (0.003)	-0.01 (0.003) **	-0.005 (0.004)	0.005 (0.003)
No. of days under CR in prev. Cong.	0.00005 (0.0003)	-0.00001 (0.0003)	0.0002 (0.0003)	-0.0003 (0.0002)
<i>Leg. Authority</i>				
Mult. Ref. × Post-1995	-0.01 (0.006) *	-0.004 (0.005)	-	-
Mult. Ref. Perc.	0.002 (0.005)	0.008 (0.004) *	-	-
Post-1995 Indicator	0.32 (0.33)	0.39 (0.25)	-	-

Table A-12 (continued).

Cloture Motions	-0.01 (0.004) *	-0.003 (0.003)	-0.01 (0.004) *	-0.001 (0.004)
<i>Controls</i>				
Lagged D.V.	0.82 (0.34) *	3.96 (0.38) ***	2.63 (0.41) ***	0.98 (0.34) **
Appropriations	-2.43 (0.28) ***	-1.14 (0.21) ***	-0.45 (0.27)	3.97 (0.27) ***
Budget	-1.88 (0.28) ***	-3.60 (0.26) ***	-1.06 (0.27) ***	0.19 (0.23)
House Administration	-0.28 (0.25)	-1.93 (0.18)	-	-
House Rules	3.01 (0.35) ***	-1.65 (0.27) ***	-	-
Senate Rules & Admin	-	-	1.73 (0.33) ***	0.56 (0.23) *
Constant	-0.05 (0.53)	-1.49 (0.40) ***	-0.36 (0.51)	-1.10 (0.45)
N	314	314	272	272
Pseudo-R ²	0.47	0.49	0.27	0.35

p < 0.05; ** p < 0.01; *** p < 0.001

References

- Aberbach, Joel D. 1990. *Keeping a Watchful Eye: The Politics of Congressional Oversight*. Washington, D.C.: Brookings Institution Press
- Aberbach, Joel D., and Bert A. Rockman. 1978. "Bureaucrats and Clientele Groups: A View from Capitol Hill." *American Journal of Political Science* 22:818-32.
- Aberbach, Joel D., and Bert A. Rockman. 1988. "Mandates or Mandarins? Control and Discretion in the Modern Administrative State." *Public Administration Review* 48:606-12.
- Achen, Christopher H. 2000. "Why Lagged Dependent Variables Can Suppress the Explanatory Power of Other Independent Variables." Presented at the American Political Science Association Annual Meeting, August 31-September 3.
- Adler, E. Scott, and John D. Wilkerson. 2008. "Intended Consequences: Jurisdictional Reform and Issue Control in the U.S. House of Representatives." *Legislative Studies Quarterly* 33:85-112.
- Adler, E. Scott, and John D. Wilkerson. 2012. *Congress and the Politics of Problem Solving*. New York: Cambridge University Press.
- Aghion, Philippe, and Jean Tirole. 1997. "Formal and Real Authority in Organizations." *Journal of Political Economy* 105:1-29.
- Ainsworth, Scott H., Brian W. Harward, and Kenneth W. Moffett. 2012. "Congressional Response to Presidential Signing Statements." *American Politics Research* 40:1067-91.
- Anderson, T.W., and Cheng Hsiao. 1981. "Estimation of Dynamic Models with Error Components." *Journal of the American Statistical Association* 76:598-606.
- Austen-Smith, David, and William H. Riker. 1987. "Asymmetric Information and the Coherence of Legislation." *American Political Science Review* 81:897-918.
- Bade, Rachael, and Elena Schneider. 2016. "Freedom Caucus agitator who pushed out Boehner pleads for Ryan's help." *Politico.com*. July 12.
<http://www.politico.com/story/2016/07/tim-huelskamp-kansas-ryan-boehner-225384> (last accessed March 29, 2017).

- Baron, David P. 2000. "Legislative Organization with Informational Committees." *American Journal of Political Science* 44:485-505.
- Bauer, Raymond A., Ithiel de Sola Pool, and Lewis Anthony Dexter. 1963. *American Business and Public Policy: The Politics of Foreign Trade*. Cambridge: MIT Press.
- Baughman, John. 2006. *Common Ground: Committee Politics in the U.S. House of Representatives*. Stanford: Stanford University Press.
- Baumgartner, Frank R., and Bryan D. Jones. 1991. "Agenda Dynamics and Policy Subsystems." *Journal of Politics* 53:1044-74.
- Baumgartner, Frank R., and Bryan D. Jones. 1993. *Agendas and Instability in American Politics, 2nd edition*. Chicago: University of Chicago Press.
- Baumgartner, Frank R., and Bryan D. Jones. 2015. *The Politics of Information: Problem Definition and the Course of Public Policy In America*. Chicago: University of Chicago Press.
- Bawn, Kathleen. 1996. "Strategic Responses to Institutional Change: Parties, Committees, and Multiple Referral." *Public Choice* 88:239-58.
- Bawn, Kathleen. 1997. "Choosing Strategies to Control the Bureaucracy: Statutory Constraints, Oversight, and the Committee System." *Journal of Law, Economics and Organization* 13:101-26.
- Beck, Nathaniel. 2001. "Time-Series-Cross-Section Data: What Have We Learned in the Past Few Years?" *Annual Review of Political Science* 4:271-93.
- Beck, Nathaniel, and Jonathan N. Katz. 2001. "Throwing the Baby Out with the Bath Water: A Commentary on Green, Kim, and Yoon." *International Organization* 55:487-95.
- Bendery, Jennifer. 2015. "A Nominee Essential to Fighting ISIS Has Stalled For No Reason." HuffingtonPost.com. November 18.
http://www.huffingtonpost.com/entry/republicans-national-security-nominee-isis_us_564d0250e4b08c74b7344681 (last accessed March 29, 2017).
- Binder, Sarah A. 2003. *Stalemate: Causes and Consequences of Legislative Gridlock*. Washington, D.C.: Brookings Institution Press.

- Binder, Sarah A., and Steven S. Smith. 1996. *Politics or Principle? Filibustering in the United States Senate*. Washington, DC: Brookings Institution Press.
- Breland, Ali. 2017. "Net neutrality fix faces hard sell." *TheHill.com*, February 11. <http://thehill.com/policy/technology/319051-net-neutrality-fix-faces-hard-sell> (last accessed March 29, 2017).
- Chiou, Fang-Yi, and Lawrence S. Rothenberg. 2006. "Preferences, Parties, and Legislative Productivity." *American Politics Research* 34:705-31.
- Chiou, Fang-Yi, and Lawrence S. Rothenberg. 2008. "Comparing Legislators and Legislatures: The Dynamics of Legislative Gridlock Reconsidered." *Political Analysis* 16:197-212.
- Clinton, Joshua D., and John S. Lapinski. 2006. "Measuring Legislative Accomplishment, 1877-1994." *American Journal of Political Science* 50:232-49.
- Cobb, Roger W., and Charles D. Elder. 1983. *Participation in American Politics: The Dynamics of Agenda-Building*, 2nd ed. Baltimore: Johns Hopkins University Press.
- Cobb, Roger, Jennie-Keith Ross, and Marc Howard Ross. 1976. "Agenda Building as a Comparative Political Process." *American Political Science Review* 70:126-38.
- Collie, Melissa P., and Joseph Cooper. 1989. "Multiple Referral and the 'New' Committee System in the House of Representatives." In *Congress Reconsidered*, 4th ed., eds. Lawrence C. Dodd and Bruce I. Oppenheimer. Washington, DC: CQ Press.
- Congressional Research Service. 2013. *Filibusters and Cloture in the Senate*. Washington, D.C. RL30360.
- Congressional Research Service. 2016. *Continuing Resolutions: Overview of Components and Recent Practices*. Washington, D.C. R42647.
- Cooper, Joseph. 1970. *The Origins of the Standing Committees and the Development of the Modern House*. Houston: Rice University Publications.
- Cox, Gary W. 2000. "On the Effects of Legislative Rules." *Legislative Studies Quarterly* 25:169-92.
- Cox, Gary W. 2001. "Agenda Setting in the U.S. House: A Majority-Party Monopoly?"

- Cox, Gary W., and Mathew C. McCubbins. 1993. *Legislative Leviathan: Party Government in the House*. Berkeley: University of California Press.
- Cox, Gary W., and Mathew C. McCubbins. 2005. *Setting the Agenda: Responsible Party Government in the U.S. House of Representatives*. New York: Cambridge University Press.
- Cyert, Richard M., and James G. March. 1963. *A Behavioral Theory of the Firm*. Englewood Cliffs, NJ: Prentice-Hall.
- Davidson, Roger H. 1989. "Multiple Referral of Legislation in the U.S. Senate." *Legislative Studies Quarterly* 14:375-92.
- Davidson, Roger H., and Walter J. Oleszek. 1977. *Congress Against Itself*. Bloomington: Indiana University Press.
- Davidson, Roger H., and Walter J. Oleszek. 1992. "From Monopoly to Management: Changing Patterns of Committee Deliberation." In *The Postreform Congress*, ed. Roger H. Davidson. New York: St. Martin's Press.
- Davidson, Roger H., Walter J. Oleszek, and Thomas Kephart. 1988. "One Bill, Many Committees: Multiple Referrals in the U.S. House of Representatives." *Legislative Studies Quarterly* 13:3-28.
- De Boef, Suzanna, and Luke Keele. 2008. "Taking Time Seriously." *American Journal of Political Science* 52:184-200.
- Deering, Christopher J. 1982. "Subcommittee Government in the U.S. House: An Analysis of Bill Management." *Legislative Studies Quarterly* 7:533-46.
- Den Hartog, Chris, and Nathan W. Monroe. 2011. *Agenda Setting in the U.S. Senate: Costly Consideration and Majority Party Advantage*. New York: Cambridge University Press.
- Dennis, Steven T., and Sahil Kapur. 2017. "Growing GOP Doubts Jeopardize Swift Obamacare Repeal in Senate." Bloomberg Politics, January 6.
<http://www.bloomberg.com/politics/articles/2017-01-06/senate-gop-jitters-grow-on-obamacare-repeal-with-no-replacement> (last accessed March 29, 2017).
- Dirksen Center. 2004. "A billion here, a billion there..."
http://web.archive.org/web/20040816153245/http://www.dirksencenter.org/print_emd_billionhere.htm (last accessed March 29, 2017).

- Dodd, Lawrence C. ([1981] 2012). "Congress, the Constitution, and the Crisis of Legitimation. In Lawrence C. Dodd, *Thinking About Congress: Essays on Congressional Change*. New York: Routledge.
- Dodd, Lawrence C., and Richard L. Schott. 1979. *Congress and the Administrative State*. New York: Wiley.
- Egelhoff, William G. 1991. "Information-Processing Theory and the Multinational Enterprise." *Journal of International Business Studies* 22:341-68.
- Eldridge, David. 2014. "113th Congress Could Yield Fewest Laws in 60 Years." *Rollcall.com*. September 22. <http://blogs.rollcall.com/218/113th-congress-legacy-shutdowns-shoutdowns-gridlock/> (last accessed March 27, 2015).
- Elmore, Richard F. 1979. "Backward Mapping: Implementation Research and Policy Decisions." *Political Science Quarterly* 94:601-16.
- Epstein, David, and Sharyn O'Halloran. 1994. "Administrative Procedures, Information, and Agency Discretion." *American Journal of Political Science* 38:697-722.
- Everett, Burgess. 2015. "Mitch McConnell's improbable 2015 partner: Democrats." *Politico.com*, December 23. <http://www.politico.com/story/2015/12/mitch-mcconnell-senate-bipartisan-democrats-217059> (last accessed March 29, 2017).
- Fenno, Richard F., Jr. 1966. *The Power of the Purse: Appropriations Politics in Congress*. Boston: Little, Brown and Company.
- Fenno, Jr., Richard F. 1973. *Congressmen in Committees*. Boston: Little, Brown.
- Fenno, Richard F., Jr. 1991. *Learning to Legislate: The Senate Education of Arlen Specter*. Washington, D.C.: CQ Press.
- Ferrari, Silvia L.P., and Francisco Cribari-Neto. 2004. "Beta Regression for Modelling Rates and Proportions." *Journal of Applied Statistics* 31:799-815.
- Ferrechio, Susan. 2016. "GOP sees minimal lame-duck agenda." *WashingtonExaminer.com*. December 29. <http://www.washingtonexaminer.com/gop-sees-minimal-lame-duck-agenda/article/2603203> (last accessed March 29, 2017).
- Fiorina, Morris P. 1977. *Congress: Keystone of the Washington Establishment*. New Haven: Yale University Press.

- Fiorina, Morris P. 1986. "Legislator Uncertainty, Legislative Control, and the Delegation of Legislative Power." *Journal of Law, Economics, and Organization* 2:33-51.
- Foreman, Christopher H. 1988. *Signals from the Hill: Congressional Oversight and the Challenge of Social Legislation*. New Haven: Yale University Press.
- Fuller, Matt. 2013. "Boehner: Congress is Focused, Not Unproductive." *RollCall.com*, July 18. <http://www.rollcall.com/218/boehner-congress-is-focused-not-unproductive/> (last accessed March 29, 2017).
- Gais, Thomas L., Mark A. Peterson, and Jack L. Walker. 1984. "Interest Groups, Iron Triangles and Representative Institutions in American National Government." *British Journal of Political Science* 14:161-85
- Galloway, George B. 1953. *The Legislative Process in Congress*. New York: T.Y. Crowell.
- Gilligan, Thomas W., and Keith Krehbiel. 1990. "Organization of Informative Committees by a Rational Legislature." *American Journal of Political Science* 34:531-64.
- Gnanadesikan, R., R.S. Pinkham, and Laura P. Hughes. 1967. "Maximum Likelihood Estimation of the Parameters of the Beta Distribution from Smallest Order Statistics." *Technometrics* 9:607-20.
- Hall, Richard L. 1996. *Participation in Congress*. New Haven: Yale University Press.
- Hawkins, David. 2014. "Spending Impasse Solidifies With Midterm Results Holding Next Move." *Rollcall.com*, July 23. <http://blogs.rollcall.com/hawkins/spending-impasse-solidifies-with-midterm-results-holding-next-move/> (last accessed July 23, 2014).
- Hammond, Thomas H. 1986. "Agenda Control, Organizational Structure, and Bureaucratic Politics." *American Journal of Political Science* 30:379-420.
- Hibbing, John R., and Elizabeth Theiss-Morse. 1995. *Congress as Public Enemy: Public Attitudes toward American Political Institutions*. New York: Cambridge University Press.
- Howell, William, Scott Adler, Charles Cameron, and Charles Riemann. 2000. "Divided Government and the Legislative Productivity of Congress, 1945-94." *Legislative Studies Quarterly* 25:285-312.

- Huber, George P. 1991. "Organization Learning: The Contributing Processes and the Literatures." *Organization Science* 2:88-115.
- Jewell, Malcolm E., and Samuel C. Patterson. 1966. *The Legislative Process in the United States*. New York: Random House.
- Jones, Bryan D. 2001. *Politics and the Architecture of Choice: Bounded Rationality and Governance*. Chicago: University of Chicago Press.
- Jones, Bryan D., and Frank R. Baumgartner. 2005. *Politics of Attention*. Chicago: University of Chicago Press.
- Jones, Bryan D., Frank R. Baumgartner, and Jeffery C. Talbert. 1993. "The Destruction of Issue Monopolies in Congress." *American Political Science Review* 87:657-71.
- Jones, Charles O. 1976. "Why Congress Can't Do Policy Analysis (or words to that effect)." *Policy Analysis* 2:251-64
- Jones, Charles O. 1982. *The United States Congress: People, Place, and Policy*. Homewood, IL: The Dorsey Press.
- Jones, David R. 2001. "Party Polarization and Legislative Gridlock." *Political Research Quarterly* 54:125-41.
- Kaiser, Robert G. 2013. *Act of Congress: How America's Essential Institution Works, and How It Doesn't*. New York: Knopf.
- Kamisar, Ben. 2015. "Ginsburg: Congress 'not equipped' to do anything." *TheHill.com*, February 17. <http://thehill.com/blogs/blog-briefing-room/232921-ginsburg-congress-not-equipped-to-do-anything> (last accessed March 29, 2017).
- Khademian, Anne M. 1995. "The New Dynamics of Legislating and Implications for Delegating: What's to be Expected on the Receiving End." *Journal of Public Administration Research and Theory: J-PART* 5:19-44.
- Kiewiet, D. Roderick, and Mathew D. McCubbins. 1991. *The Logic of Delegation: Congressional Parties and the Appropriations Process*. Chicago: University of Chicago Press.
- King, David C. 1994. "The Nature of Congressional Committee Jurisdictions." *American Political Science Review* 88:48-62.

- King, David C. 1997. *Turf Wars: How Congressional Committees Claim Jurisdiction*. Chicago: University of Chicago Press.
- King, Gary. 1998. *Unifying Political Methodology: The Likelihood Theory of Statistical Inference*. Ann Arbor: University of Michigan Press.
- Kingdon, John W. 1973. *Congressmen's Voting Decisions*. New York: Harper & Row.
- Kingdon, John. 1984. *Agendas, Alternatives, and Public Policies*. Boston: Little, Brown and Company.
- Koger, Gregory. 2010. *Filibustering: A Political History of Obstruction in the House and Senate*. Chicago: University of Chicago Press.
- Krehbiel, Keith. 1991. *Information and Legislative Organization*. Ann Arbor: University of Michigan Press.
- Krehbiel, Keith. 1993. "Where's the Party?" *British Journal of Political Science* 23:235-66.
- Krehbiel, Keith. 1998. *Pivotal Politics: A Theory of U.S. Lawmaking*. Chicago: University of Chicago Press.
- Krehbiel, Keith, Kenneth A. Shepsle, and Barry R. Weingast. 1987. "Why Are Congressional Committees Powerful?" *American Political Science Review* 81:929-45.
- Krutz, Glen. 2005. Issues and Institutions: "Winnowing" in the U.S. Congress. *American Journal of Political Science* 49:313-26.
- Leahy, Michael. 2007. "House Rules." *WashingtonPost.com*, June 10. http://www.washingtonpost.com/wp-dyn/content/article/2007/06/05/AR2007060501702_pf.html (last accessed March 29, 2017).
- Levine, Michael E., and Charles R. Plott. 1977. "Agenda Influence and Its Implications." *Virginia Law Review* 63:561-604.
- Levy, Gabrielle. 2015. "It's Not Your Imagination: Congress Really Is Working More." *USNews.com*, April 21. <http://www.usnews.com/news/blogs/data-mine/2015/04/21/its-not-your-imagination-congress-really-is-working-more> (last accessed March 29, 2017).

- Light, Paul C. 1991. *The President's Agenda: Domestic Policy Choice from Kennedy to Reagan*. Baltimore: Johns Hopkins University Press.
- MacDonald, Jason A., and Robert J. McGrath. 2016. "Retrospective Congressional Oversight and the Dynamics of Legislative Influence over the Bureaucracy." *Legislative Studies Quarterly* 41:899-934.
- Mann, Thomas E., and Norman J. Ornstein. 2012. *It's Even Worse Than It Looks: How the American Constitutional System Collided with the New Politics of Extremism*. Basic.
- Mansbridge, Jane, and Cathie Jo Martin (eds). 2015. *Political Negotiation: A Handbook*. Washington, D.C.: Brookings Institution Press.
- Marcos, Cristina, and Ramsey Cox. 2014. "Historically unproductive Congress ends." *TheHill.com*, December 16. <http://thehill.com/blogs/floor-action/senate/227365-historically-unproductive-congress-ends> (last accessed December 29, 2014).
- Master, Cyra. 2016. "'60 Minutes': Fundraising demands turning lawmakers into telemarketers." *TheHill.com*, April 24. <http://thehill.com/blogs/blog-briefing-room/news/277462-60-minutes-fundraising-demands-turning-lawmakers-into> (last accessed March 29, 2017).
- Matthews, Donald R., and James A. Stimson. 1975. *Yeas and Nays: Normal Decision-Making in the U.S. House of Representatives*. New York: John Wiley & Sons.
- May, Peter J., Samuel Workman, and Bryan D. Jones. 2008. "Organizing Attention: Responses of the Bureaucracy to Agenda Disruption." *Journal of Public Administration, Research, and Theory* 18:517-41.
- Mayhew, David. 1974. *Congress: The Electoral Connection*. New Haven: Yale University Press.
- Mayhew, David R. 1991. *Divided We Govern: Party Control, Lawmaking, and Investigations, 1946-1990*. New Haven: Yale University Press.
- McCarty, Nolan, Keith T. Poole and Howard Rosenthal. 2006. *Polarized America: The Dance of Ideology and Unequal Riches*. Boston: MIT Press.
- McConachie, Lauros G. 1898. *Congressional Committees*. New York: T.Y. Crowell.
- McCubbins, Mathew D. 1985. "The Legislative Design of Regulatory Structure." *American Journal of Political Science* 29:721-48

- McCubbins, Mathew D., and Thomas Schwartz. 1984. "Congressional Oversight Overlooked: Police Patrols versus Fire Alarms." *American Journal of Political Science* 28:165-79.
- McGrath, Robert J. 2013. "Congressional Oversight Hearings and Policy Control." *Legislative Studies Quarterly* 38:349-76.
- Moe, Terry. 1987. "An Assessment of the Positive Theory of 'Congressional Dominance.'" *Legislative Studies Quarterly* 12:475-520.
- Newhauser, Daniel. 2012. "Members Prod Leaders for Vote on Stalled Farm Bill." *Roll Call*. July 20.
- Ogul, Morris S., and Bert A. Rockman. 1990. "Overseeing Oversight: New Departures and Old Problems." *Legislative Studies Quarterly* 15:5-24.
- Ottati, Victor C., and Robert S. Wyer, Jr. 1990. "The Cognitive Mediators of Political Choice: Toward a Comprehensive Model of Political Information Processing." In *Information and Democratic Processes*, ed. John A. Ferejohn and James H. Kuklinski. Urbana: University of Illinois Press.
- Paolino, Philip. 2001. "Maximum Likelihood Estimation of Models with Beta-Distributed Dependent Variables." *Political Analysis* 9:325-46.
- Parker, David C.W., and Matthew Dull. 2009. "Divided We Quarrel: The Politics of Congressional Investigations, 1947-2004." *Legislative Studies Quarterly* 34:319-45.
- Patty, John W. 2007. "The House Discharge Petition and Majoritarian Politics." *Journal of Politics* 69:678-88.
- Polsby, Nelson W. 1971. "Strengthening Congress in National Policymaking." In *Congressional Behavior*, ed. Nelson W. Polsby. New York: Random House.
- Poole, Keith T. 1998. "Recovering a Basic Space from a Set of Issue Scales." *American Journal of Political Science* 42:954-93.
- Poole, Keith T., and Howard Rosenthal. 1984. "The Polarization of American Politics." *Journal of Politics* 46:1061-79.
- Poole, Keith T., and Howard Rosenthal. 1997. *Congress: A political-economic history of roll call voting*. New York: Oxford University Press.

- Publius. [1788] 1987. *The Federalist Papers*. Isaac Kramnick, ed. New York: Penguin Books.
- Rich, Andrew. 2004. *Think Tanks, Public Policy, and the Politics of Expertise*. New York: Cambridge University Press.
- Rieselbach, Leroy N. 1973. *Congressional Politics*. New York: McGraw-Hill.
- Rogers, David. 2012. "House punts agriculture bill." *Politico.com*, June 22.
- Rohde, David W. 1979. Risk-Bearing and Progressive Ambition: The Case of Members of the United States House of Representatives. *American Journal of Political Science* 23:1-26.
- Rohde, David W. 1991. *Parties and Leaders in the Postreform House*. Chicago: University of Chicago Press.
- Rohde, David, and John Aldrich. 2010. "Consequences of Electoral and Institutional Change: The Evolution of Conditional Party Government in the U.S. House of Representatives." In *New Directions in American Political Parties*, ed. Jeffrey M. Stonecash. New York: Routledge.
- Romer, Thomas, and Howard Rosenthal. 1978. "Political Resource Allocation, Controlled Agendas, and the Status Quo." *Public Choice* 33:27-43.
- Sanchez, Humberto. 2012. "Spending Panel Loses Its Luster." *RollCall.com*, December 20. http://www.rollcall.com/news/spending_panel_loses_its_luster-220343-1.html?zkPrintable=true (last accessed March 29, 2017).
- Sanchez, Humberto. 2014. "Senate Democrats May Skip Budget Yet Again." *Roll Call*. January 29, pp. 1, 7.
- Scher, Seymour. 1963. "Conditions for Legislative Control." *Journal of Politics* 25:526-51.
- Schick, Allen. 1976. "Supply and Demand for Analysis on Capitol Hill." *Policy Analysis* 2:215-50.
- Shepsle, Kenneth A., and Barry R. Weingast. 1985. "Policy Consequences of Government by Congressional Subcommittees." *Proceedings of the Academy of Political Science* 35:114-31.

- Sherman, Jake, and John Bresnahan. 2015. "Senate passes five-day stopgap to keep government open." *Politico.com*, December 10.
<http://www.politico.com/story/2015/12/budget-stalled-paul-ryan-mitch-mcconnell-216643> (last accessed March 29, 2017).
- Shipan, Charles R. 2006. "Does Divided Government Increase the Size of the Legislative Agenda?" In *The Macropolitics of Congress*, eds. E. Scott Adler and John Lapinski. Princeton: Princeton University Press.
- Simon, Herbert A. 1951. "A Formal Theory of the Employment Relationship." *Econometrica* 19:293-305.
- Simon, Herbert A. 1964. "On the Concept of Organizational Goal." *Administrative Science Quarterly* 9:1-22.
- Simon, Herbert A. 1976. *Administrative Behavior, Third ed.* New York: The Free Press.
- Sinclair, Barbara. 1981. "Majority Party Leadership Strategies for Coping with the New U.S. House." *Legislative Studies Quarterly* 6:391-414.
- Sinclair, Barbara. 1989. *The Transformation of the U.S. Senate*. Baltimore: Johns Hopkins University Press.
- Sinclair, Barbara. 2007. *Unorthodox Lawmaking: New Legislative Processes in the U.S. Congress, 3rd ed.* Washington, D.C.: CQ Press.
- Smith, Steven S. 1989. *Call to Order: Floor Politics in the House and Senate*. Washington, DC: Brookings Institution Press.
- Smith, Steven S. 2014. *The Senate Syndrome: The Evolution of Procedural Warfare in the Modern U.S. Senate*. Norman: University of Oklahoma Press.
- Smith, Steven S., and Christopher J. Deering. 1990. *Committees in Congress, 2nd ed.* Washington, D.C.: CQ Press.
- Sulkin, Tracy. 2005. *Issue Politics in Congress*. New York: Cambridge University Press.
- Sundquist, James L. 1981. *The Decline and Resurgence of Congress*. Washington, D.C.: Brookings Institution Press.
- Talbert, Jeffery C., Bryan D. Jones, and Frank R. Baumgartner. 1995. "Nonlegislative Hearings and Policy Change in Congress." *American Journal of Political Science* 39:383-405.

- Theriault, Sean M. 2008. *Party Polarization in Congress*. New York: Cambridge University Press.
- Theriault, Sean M. 2013. *The Gingrich Senators: The Roots of Partisan Warfare in Congress*. New York: Oxford University Press.
- Topaz, Jonathan. 2014. "'Worst Congress ever,' by the numbers." *Politico.com*, December 17. <http://www.politico.com/story/2014/12/congress-numbers-113658> (last accessed March 29, 2017).
- Tushman, Michael L., and David A. Nadler. 1978. "Information Processing as an Integrating Concept in Organizational Design." *The Academy of Management Review* 3:613-24.
- U.S. Congress. Senate. Homeland Security and Governmental Affairs Committee. 2010. *Securing Critical Infrastructure in the Age of Stuxnet*. 111th Cong., 2nd sess., 17 November.
- U.S. Congress. Senate. Homeland Security and Governmental Affairs Committee. 2012. *Securing America's Future: The Cybersecurity Act of 2012*. 112th Cong., 2nd sess., 16 February.
- U.S. Congress. Senate. Homeland Security and Governmental Affairs Committee. 2013. *The Cybersecurity Partnership Between the Private Sector and Our Government: Protecting Our National and Economic Security*. 113th Cong., 1st sess., 7 March.
- U.S. Congress. Senate. Homeland Security and Governmental Affairs Committee. 2014. *Strengthening Public-Private Partnerships to Reduce Cyber Risks to Our Nation's Critical Infrastructure*. 113th Cong., 2nd sess., 26 March.
- VanDoren, Peter M. 1990. "Can We Learn the Causes of Congressional Decisions from Roll-Call Data?" *Legislative Studies Quarterly* 15:311-40.
- Walker, Jack L. 1977. "Agenda Setting in the U.S. Senate: A Theory of Problem Selection." *British Journal of Political Science* 7:423-45.
- Wawro, Gregory J., and Eric Schickler. 2006. *Filibuster: Obstruction and Lawmaking in the United States Senate*. Princeton: Princeton University Press.
- Weingast, Barry R. 1984. "The Congressional-Bureaucratic System: A Principal Agent Perspective (with applications to the SEC)." *Public Choice* 44:147-91

- Wildavsky, Aaron. 1979. *Speaking Truth to Power: The Art and Craft of Policy Analysis*. Boston: Little, Brown.
- Wilson, Woodrow. [1885] 1956. *Congressional Government*. New York: Meridian Books.
- Wolfe, Michelle. 2012. "Putting on the Brakes or Pressing on the Gas? Media Attention and the Speed of Policymaking." *Policy Studies Journal* 40: 109-26.
- Workman, Samuel. 2015. *The Dynamics of Bureaucracy in the U.S. Government: How Congress and Federal Agencies Process Information and Solve Problems*. New York: Cambridge University Press.
- Workman, Samuel, Bryan D. Jones, and Ashley E. Jochim. 2009. "Information Processing and Policy Dynamics." *Policy Studies Journal* 37:75-92.
- Worsham, Jeffery. 2006. "Up in Smoke: Mapping Subsystem Dynamics in Tobacco Policy." *Policy Studies Journal* 34:437-52.
- Wu, Chung-Li. 2008. "Government and Information: Scientific Research and Policy Agenda in Congress." *Parliamentary Affairs* 61:356-69.
- Wyatt, Edward. 2014. "F.C.C. Backs Opening Net Neutrality Rule for Debate." *NYTimes.com*, May 15. <http://www.nytimes.com/2014/05/16/technology/fcc-road-map-to-net-neutrality.html> (last accessed March 29, 2017).
- Young, Kerry. 2012. "Without Resolution." *CQ Weekly*. October 29, pp. 2130-3.
- Zeller, Shawn. 2014. "Probe to Nowhere." *CQ Weekly*. May 19, pp. 704-11.
- Zorn, Christopher. 2001. "Estimating between- and within-cluster covariate effects, with an application to models of international disputes." *International Interactions* 27:433-45